SUPREME COURT OF THE UNITED STATES.

No. 1.

ANTOINE SOULARD'S HEIRS,

VERSUS

THE UNITED STATES.

ON APPEAL FROM THE DISTRICT COURT U. S. FOR THE DISTRICT OF MISSOURI.

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UNITED STATES OF AMERICA,
District of Missouri, ss.

JULIE SOULARD, widow, JAMES G. SOULARD, and others, heirs and legal representatives of ANTOINE SOULARD, deceased, *against* the UNITED STATES.

Be it remembered that on the twenty-second day of August, in the year of our Lord one thousand eight hundred and twenty-four, Antoine Soulard, by Luke E. Lawless, his attorney, filed with the clerk of the District Court of the United States for the Missouri district, his petition to said Court for

the confirmation of a tract of land under the authority of an act of Congress, entitled "an act enabling the claimants to lands within the limits of the state of Missouri, and Territory of Arkansas, to institute proceedings to try the validity of their claims," approved May 26th, 1824; which petition is in the words and figures following, to wit: "To the honorable the District Court of the United States for the state of Missouri, respectfully sheweth your petitioner, Antoine Soulard, of the county of St. Louis, state of Missouri, that on the twentieth day of April, in the year one thousand seven hundred and ninety-six, the Lieutenant Governor of Upper Louisiana, Don Zenon Trudeau, granted in consideration of services rendered by your petitioner to the Spanish government, the quantity of ten thousand arpens of land to your petitioner, then a resident of said province, and his heirs for ever, to be surveyed and located on any of the vacant lands belonging to the royal domain.

That in pursuance of said decree of concession and survey, the said ten thousand arpens were located and surveyed on a branch of the river Cuivre, about seventy miles north of St. Louis, and about fifteen miles west of the river Mississippi: that said survey was made by the lieutenant (or deputy) surveyor, Don Santiago Rankin, and the certificate of said survey recorded on the eighth day of March, one thousand eight hundred and four, as may appear by the record of said survey in the office of the surveyor general, reference being had thereto and by the certified copy of said record, signed by the said surveyor general, herewith exhibited. Your petitioner further shews that said original decree of concession, some short time after said survey was executed, was lost, or mislaid, or destroyed by some fatality in the house of your petitioner, and that he has not been able after all possible search to find same or ascertain what has become of it. That in consequence of the loss of his said concession your petitioner, under an erroneous opinion as to the operation of the act of Congress, 1805, omitted to file a notice of his claim, or to submit same to the board of commissioners or recorder of land titles; and has thereby been deprived of the benefit of the laws heretofore passed for the confirmation of titles derived from Spanish or French concessions. Your petitioner further shows, that having been informed by counsel, whom your petitioner consulted, that the loss of said original document did not invalidate his rights, your petitioner, on the twenty-seventh day of February, one thousand eight hundred and eighteen, presented his petition to Congress setting forth the above facts as proved by said certificate of the surveyor general, and also proved by the deposition on oath of competent witnesses. That said petition was referred to the committee of private claims, and was not specially reported on, inasmuch as there was a general law reported by said committee for the relief of land claimants in Missouri, which would embrace your petitioner's case. That under the above-stated circumstances your petitioner prays that this honorable court will inquire into the validity of your petitioners title to said ten thousand arpens, and pronounce a decision thereon. Your petitioner shows, that in consequence of notice of said concession not being filed in the recorder's office, the land surveyed under it has not been reserved for sale until lately on the general plat. That previous to said reservation, the quantity of three thousand seven hundred and forty acres and seventeen hundredths have been sold by the United States to various persons; that of said quantity so sold, one thousand six hundred and seventy-two acres thirty five hundredths have been relinquished to the United States by virtue of the act

of Congress in that case made and provided, leaving the quantity of two thousand and sixty-seven acres eighty-two hundredths still held under sales made thereof by the United States. That no part of said ten thousand arpens; except the aforesaid two thousand and sixty-seven acres eighty-two hundredths, are occupied or claimed by any person adverse to the title of your petitioner. Wherefore your petitioner prays that a citation be directed to the district attorney of the United States requiring him on a day certain to appear and show cause, if any he can, why your petitioner's title should not be confirmed to all that part of said surveyed tract which has not been sold by the United States, or if sold, has been relinquished by the purchaser or purchasers, and why your petitioner should not be allowed to locate the quantity so sold, and not relinquished on public lands in pursuance of the act of Congress of the last session in that behalf made and provided. And your petitioner will pray, &c.

STROTHER & LAWLESS.

Accompanying which said petition was the following bond for costs, to wit: "Know all men by these presents that we, Antoine Soulard and George F. Strother, are held and firmly bound unto the United States of America in the penal sum of two hundred dollars to secure the payment of costs on the petition of said Antoine Soulard for the confirmation of land,) to the payment of which we bind ourselves, our heirs, executors, and administrators. The condition of the above obligation is such, that whereas the said Antoine Soulard has this day filed his petition to the district court of the United States for the Missouri district, for the confirmation of a tract of land containing ten thousand arpens, situated on a branch of the Cuivre river. Now if the said Antoine Soulard shall pay, or cause to be paid, all costs and charges which may accrue thereon in prosecuting the same to final decree, or for which he shall become liable by order, sentence, or decree of said court, or that the said George F. Strother will do it for him, then this obligation to be void, otherwise to remain in full force and effect. Witness our hands and seals at St. Louis, the twenty-second day of August, A. D. 1824.

GEORGE F. STROTHER. [SEAL.]"

And thereupon on the said twenty-second day of August, in the year eighteen hundred and twenty-four, the clerk of said court issued a citation in the following words and figures, to wit:

"MISSOURI DISTRICT. sct.

The President of the United States of America, to the Marshal of said district, greeting:

You are hereby commanded to notify and cite the attorney of the United States for the district of Missouri, that he be and appear before the district court of the United States for the Missouri district, on the third Monday of September next, then and there, in behalf of the United States, to answer the petition of Antoine Soulard, who prays the confirmation of ten thousand arpens of land, and make defence, if any he has or knows of any thing to say, why the same should not be made according to the prayer of said petitioner; hereof fail not, and have you then there this writ.

Witness the honorable James H. Peck, esquire, judge of the [L. S.] United States for the Missouri district, the twenty-second day of August, one thousand eight hundred and twenty-four.

Issued at office in St. Louis under the seal of said court the day and year last aforesaid.

ISAAC BARTON, Clerk."

And afterwards, to wit, on the said third Monday of September, eighteen hundred and twenty-four, the marshal, to whom the same was directed, returned said citation into court thus endorsed, to wit:

Served on me September 5, 1824. E. BATES.

"Served this citation on Edward Bates, the attorney of the United States, for the district of Missouri, September 5, 1824, as will appear from his acknowledgment.

I also gave him a copy of the petition filed in this case.

H. DODGE, Marshal,

By JNO. SIMOND, Jr. D. Marshal."

And afterwards, to wit, on the said third Monday of September, came as well the said plaintiff by his attorney as the said attorney for the United States, who files his demurrer to the said petition, which said demurrer is in the following words and figures, to wit: "In the matter of the petition of Antoine Soulard, praying the confirmation of a tract of ten thousand arpens of land situate on a branch of the river Cuivre, about seventy miles north of St. Louis, and about fifteen miles west of the river Mississippi.

Edward Bates, attorney of the United States for the district of Missouri, being duly cited in this behalf, according to law, for cause why the prayer of the said petition should not be granted, and why the said tract of ten thousand arpens of land, or any part thereof, should not be confirmed and decreed to the said Antoine Soulard on behalf of the said United States, suggests and shows to the court here the following; that is to say, that the said petition does not contain sufficient facts and circumstances, nor any sufficient principles and instances of the law to entitle the said petitioner to a decree for the recovery and confirmation of the said land. Whereupon the said attorney, on behalf of the United States, does demur in law to the said petition, and pray the judgment of the court here if the said petition is sufficient, &c. And argument thereupon having been heard, and all and singular the matters of law thereon arising having been seen, but because the court here is not advised what judgment to give of and concerning the same, will advise thereof until the next session of this court, until which time this cause is continued."

Afterwards, to wit, at the November session of said court, in the year aforesaid, on motion of the petitioner, by his attorney and by the consent of the attorney of the United States, leave is given him to amend his petition in this case, which said amended petition was filed in the words and figures following, to wit: "To the judge of the district court of the United States for the state of Missouri, respectfully showeth your petitioner, Antoine Soulard, of the county of St. Louis, and state of Missouri, that some time in the month of April, one thousand seven hundred and ninety-six, your petitioner being then a resident of the province of Upper Louisiana, and surveyor general of the same under the Spanish government, presented his petition to the then lieutenant governor of said province, Don Zenon Trudeau, praying that a tract of land of ten thousand arpens, French measure, to be located on any vacant part of the royal domain, might be granted

to your petitioner and his heirs for ever. That in compliance with the prayer of said petition, and in order to remunerate your petitioner for services rendered to the Spanish government, the said Don Zenon Trudeau did, by virtue of the powers vested in him as lieutenant governor aforesaid, on the twentieth day of April, in the year one thousand seven hundred and ninety-six aforesaid, grant to your petitioner and his heirs for ever, ten thousand arpens of land, and by said decree of concession did order the said quantity of land to be located and surveyed on any vacant part of the royal domain in said province, at the choice of your petitioner. That said quantity of ten thousand arpens was afterwards on the twentieth day of February, one thousand eight hundred and four, by virtue of said decree, surveyed and located by the deputy surveyor, Don Santiago Rankin, thereto duly authorized, on a vacant part of the public land, situate about fifteen miles west of the Mississippi river, and seventy miles north of the town of St. Louis, in the county aforesaid, on a branch of the river Cuivre, and which said tract is situated and bounded as follows; commencing at a point in the northeast quarter of section number twenty-five, in township number fifty-one north of range number three west, runs thence north sixty-eight east, three hundred and seventeen chains and eight links to a point in the northeast quarter of section number fourteen, in township number fifty-one north of range number two west, thence north twenty-two west, two hundred and fourteen chains and sixteen links to a point on the southeast quarter of section number thirty-four, in township number fifty-two north of range number two west, thence south sixty-eight west, three hundred and seventeen chains and eight links to a point in the southeast quarter of section number eleven, in township number fifty-one north of range number three west, thence south twenty-two east two hundred and fourteen chains and sixteen links to the place of beginning; all which will appear by reference to the general plat of survey, upon which said tract is laid down according to the law in such case made and provided. Your petitioner further shows, that a certificate of said survey and location was in due form made and signed by your petitioner as surveyor general of said province in pursuance of the report thereof made to him by the said deputy surveyor, Santiago Rankin, which said certificate was made and bore date on the eighth of March, one thousand eight hundred and four, and that an entry of said survey and certificate was made by your petitioner in his capacity of surveyor aforesaid, in the book of record kept by your petitioner or by his deputies in said province, as will more fully appear by said book of record, page four hundred and sixty-five, now in the office of the principal surveyor of this district. Your petitioner further showeth, that some time after the date of said survey, certificate and entry, and before the time when claims to land should have been filed pursuant to the law of Congress of the second of March, eighteen hundred and five, through mistake said decree of concession and certificate of survey, together with other papers belonging to your petitioner, were thrown into the fire and destroyed. That in consequence of the destruction of said concession and certificate, your petitioner, under an erroneous impression, considered that he was excluded from the benefit of the act of Congress, passed for the relief of land claimants, and omitted to file any notice of his claim under said decree of concession and survey, and has thereby been deprived of the benefit of the laws heretofore passed by Congress. That your petitioner, after a lapse of several years, was informed by counsel whom he consulted that the loss of the said documents did not deprive him of any right

which they originally vested in him. That therefore your petitioner, on the twenty-seventh day of February, one thousand eight hundred and eighteen, presented his petition to the Congress of the United States, setting forth the above facts, and praying a confirmation of his said title. That said petition was referred to the committee of private land claims, but was not specially reported on inasmuch as there was a general law reported by said committee for the relief of land claimants in the state of Missouri, which would embrace your petitioner's case. Your petitioner shews, that in consequence of your petitioners said tract not having been laid down in due time on the general plat, or reserved from sale in the land office of the United States, the quantity of one thousand nine hundred and forty-seven acres and thirty-five hundredths have been definitively sold by the United States to the following persons, and in the following quantities, to wit: Southwest quarter of section four, in township fifty-one of range two west, containing one hundred and sixty acres to John M'Coy, east half of southeast quarter of section five, in township fifty-one of range two west, containing eighty acres to John M'Coy; part of northwest quarter of section seven in township fifty-one of range two west, containing one hundred and forty-five acres, to Meredith Cox; southwest quarter, section seven, in township fifty-one of range two west, containing two hundred and thirty-four acres fifteen hundredths, to Samuel Denny; southeast quarter of section seven, in township fifty-one of range two west, containing one hundred and sixty acres, to Meredith Cox; west half of northwest quarter of section eight, township fifty-one of range two west, containing eighty acres, to Hugh Barnett; east half of southwest of section nine, in township fifty-one of range two west, containing eighty acres, to Nicholas Wells; southeast quarter of section nine, in township fifty-one of range two west, containing one hundred and sixty acres, to James Wells; northeast quarter of section eighteen, in township fifty-one of range two west, containing one hundred and sixty acres, to Quinton Moore; northwest quarter of section seventeen, in township fifty-one of range two west, containing one hundred and sixty acres, to Hugh Barnett; southeast quarter of seventeen, in township fifty-one of range two west, containing one hundred and sixty acres, to J. Lewis and J. Watts.

Part of N. E. quarter, 12, T. 51, R. 3 } to William Elgin.
Part of S. W. " 12, " " } 300 A. James Lewis.
Part of S. E. " 12, " " } William Elgin.

Part of east half of southwest quarter of section thirteen, in township fifty-one, range three, containing sixty-eight acres, to George Seely. All which will appear by reference to the general plat aforesaid, and to the book in the office of the register of the land office in the district of St. Louis. Your petitioner further showeth, that no other part or parcel of said tract of ten thousand arpens as herein before described, is possessed or claimed by any person adverse to the claim or title of your petitioner, and that the residue of said tract is now reserved from public sale until a final decision shall be made on your petitioner's claim by the proper tribunal. Wherefore your petitioner prays, that the validity of his said claim may be inquired into and decided by this honorable court; and that inasmuch as the same might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which the same originated, had not the sovereignty of the country been transferred to the United States, your petitioner prays that his claim and title be confirmed to all that part of the herein before described tract of ten thousand arpens which

has not been sold as aforesaid by the United States, and that your petitioner be authorized by the decree of this court to enter, in any land office in the state of Missouri, the quantity of nineteen hundred and forty-seven acres and thirty-five hundredths, being the quantity disposed of by the United States, after the same shall have been offered at public sale, according to the act of Congress in such case made and provided. And your petitioner prays that a citation be directed to the district attorney of the United States, requiring him on a day certain to appear and show cause, if any he can, against the relief prayed for by your petitioner. And your petitioner will pray, &c.

ANTOINE SOULARD."

And afterwards, to wit, at the said November session, one thousand eight hundred and twenty-four, the said Antoine Soulard filed in court the following affidavit, to wit: Antoine Soulard maketh oath and saith, that in consequence of a petition presented by this deponent to Don Zenon Trudeau, lieutenant governor of Upper Louisiana, for his majesty the king of Spain, he, the said Don Zenon Trudeau did, on the twentieth day of April, in the year one thousand seven hundred and ninety-six, at St. Louis, in the said province of Upper Louisiana, did execute and make a grant or decree of concession and survey of ten thousand acres of land to be located by this deponent, his heirs or assigns, on any vacant place or part of the royal domain in Upper Louisiana, to said deponent, his heirs or assigns, which said concession or decree was made and expressed to be made in compensation of services rendered by this deponent to the Spanish government; and also to aid the establishment of this deponent as a recently married man, and head of family in said province, and this deponent further saith that said concession was made in due form as required by the then existing law and usage of said province and government, and this deponent saith that said land or tract of ten thousand arpens was surveyed and located by the lieutenant or deputy surveyor, Don Santiago Rankin, duly thereto authorized on a branch of the river Cuivre, on vacant land belonging to the royal domain, which said survey was so executed in pursuance and by virtue of said concession and order of survey, and a certificate of said survey in due form made and signed by this deponent in pursuance of the report to him made as surveyor general of said province, by his said deputy, Santiago Rankin; which said certificate was made and bore date on the eighth day of March, one thousand eight hundred and four; and this deponent further saith that an entry of said survey was made by this deponent in the usual form upon the book of record by this deponent, kept as surveyor general aforesaid of the surveys executed by this deponent, or his deputies in said province, as will more fully appear by said book of record now in the office, as this deponent believes, of the principal surveyor of this district, to which book of record this deponent refers; and this deponent saith that some time after the date of said survey, and before the time when claims to land should have been filed by virtue of the law of Congress, of the second of March, one thousand eight hundred and five; this deponent through error committed said original decree of concession and petition, and said certificate of survey so made by this deponent to the flames, and thereby destroyed same with a number of other papers belonging to this deponent, among which said concession and certificate were included; and this deponent saith that said concession and certificate so destroyed are the same mentioned and set forth in this deponent's petition to the honorable district court, and which con-

cession and title he therein prays may be confirmed to him and his heirs as therein set forth; and further this deponent saith not.

ANTOINE SOULARD.

Sworn to in open court.

JAMES H. PECK, Judge."

And thereupon this cause was continued until the next session of this court. And afterwards, to wit, on the seventeenth day of March, in the year one thousand eight hundred and twenty-five, Julie Soulard, widow, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs of Antoine Soulard, filed their petition in the words and figures following, to wit:

"To the judge of the district court of the United States for the state of Missouri—

Respectfully show your petitioners, Julie Soulard, widow of Antoine Soulard, late of the county of St. Louis, deceased, James Gaston Soulard, Henry Gustave Soulard, Eliza Soulard, and Benjamin Antoine Soulard, which said James, Henry, Eliza, and Benjamin are the children and heirs of said Antoine Soulard. That the said Antoine Soulard did, at the September term of this court, in the year one thousand eight hundred and twenty-four, exhibit his petition praying that a tract of ten thousand arpens of land, situate on a branch of the river Cuivre, granted to said Antoine by the Spanish government, should be confirmed to said Antoine and his heirs, and that a citation should issue to the deputy attorney of the United ——— requiring him to appear and show cause why said relief should not be granted; which citation being served, said district attorney appeared accordingly and demurred to said bill, which, by leave of court, was afterwards amended as by said petition; and demurrer and amended petition remaining as on record in this honorable court, relation being thereto had may appear. But so it is, may it please this honorable court that before any other proceedings were had in said cause, the said Antoine Soulard died intestate, whereby the said proceedings became abated. To the end, therefore, that the said petition and cause so abated as aforesaid, may stand revived against said United States and their district attorney, and be in the same state and condition as the same were in at the time of the abatement thereof, may it please your honor to grant *to grant to grant* unto your petitioners a citation to revive, to be directed to the said district attorney, thereby requiring him to appear in this honorable court on the first day of the next ensuing term thereof, then and there to show cause (if he can) why the said proceedings, so abated as aforesaid, should not be revived and be in the same state and condition as the same were in at the time of the abatement thereof, and that your petitioners be further relieved in the premises. And your petitioner will pray, &c.

LAWLESS AND STROTHER,
Solicitors for petitioners."

Which petition was thus endorsed, to wit: "Let citation to revive issue returnable to first day of next term.

LAWLESS AND STROTHER, Solicitors."

And afterwards, to wit, on the day of filing said petition the clerk of the said court issued a citation in the following words and figures, to wit:

"MISSOURI DISTRICT, sct.

The President of the United States of America, to the Marshal of said district, greeting:

Whereas, at the September session of the district court, in the year eighteen hundred and twenty-four, under the authority of an act of Congress, approved the twenty-sixth day of May, eighteen hundred and twenty-four, and entitled 'an act enabling claimants to lands within the limits of the state of Missouri, and territory of Arkansas, to institute proceedings to try the validity of their claims,' Antoine Soulard presented his petition praying the confirmation of ten thousand arpens of land on the river Cuivre, on which petition certain proceedings were had; but before the same was finally decided, the said Antoine Soulard departed this life, whereby said suit has abated, and whereas Julie Soulard, the widow, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin Antoine Soulard, children and heirs of said Antoine Soulard, have presented their petition to said court, praying that said suit may stand revived, and be in the same condition and state as the same was at the time of the abatement as aforesaid.

These are therefore to command you to cite the attorney of the United States for the Missouri district, that he be and appear before said court on the first day of the next term thereof, to be held at the city of St. Louis, within and for the Missouri district, on the fourth Monday of March instant, then and there to show cause, if he can or has any thing to say, why the proceedings, so abated as aforesaid, should not be revived, and be in the same state and condition as the same were in at the time of the abatement thereof. Hereof fail not, and have you then there this writ.

Witness the honorable James H. Peck, esquire, judge of the United [L. S.] States for the Missouri district, the seventeenth day of March, A. D. 1825.

ISAAC BARTON, Clerk."

Afterwards, to wit, on the said fourth Monday of March, the return day of said writ, the marshal, to whom the same was directed, returned the same into court thus endorsed.

"1825, March 21, served on me,

E. BATES.

"Served this citation with a copy of the petition on E. Bates, district attorney, March 21st, 1825.

JNO. SIMONDS, Jr., Dpt'y Marshal."

And afterwards, on the first day of the said March term, one thousand eight hundred and twenty-five, "appeared the attorney for the United States, who, admitting the truth of the allegations in the petition of the said plaintiffs contained, this cause is ordered to stand revived in the name of the said petitioners; and thereupon the said attorney files his answer to the original bill in this cause." Which said answer is in the words and figures following, to wit:

"The answer of Edward Bates, attorney of the United States, to the petition of Antoine Soulard (as the said petition has been amended and revived in the name of the heirs of the said Soulard, who is dead,) praying for a confirmation of a tract of land containing ten thousand arpens, situate

on a branch of the river Cuivre, supposed to have been granted to the said Soulard by the Spanish government. This respondent, for and in behalf of the United States of America, for answer to the said petition, or to so much thereof as the rights and interests of the United States make it necessary for him to answer, answering says, that he is wholly ignorant and uninformed of all the matters and things in the said petition contained, and therefore does not admit the same to be true. And he prays the court here that the said petitioners may be held and required to prove all such facts, matters, and things, the existence whereof is or may be deemed necessary to the confirmation of the said claim. And, moreover, that the said petitioners may be required and compelled to produce and show to court here the law, usage, or custom, by force and virtue whereof the said claim can or ought to be confirmed. And this respondent, &c.

E. BATES."

And afterwards, to wit, on the same day and year last aforesaid, "came the parties by their attorneys, and thereupon it is ordered, that the following issue of fact be tried by a jury, to wit: Was there such concession made to Antoine Soulard, deceased, as in complainant's bill is alleged? Thereupon a venire facias was awarded, directed to the marshal of the Missouri district, who returned into court here twelve good and lawful men, to wit: Michael Tesson, David Deshler, John H. Gay, Hugh Richards, William R. Rule, John Warburton, William Clarkson, Joseph Charless, Henry Reily, Benjamin Young, Philip Rocheblave, and Hugh O'Neil, who being elected, tried, and sworn the truth to say upon the issue of fact above directed by the court, upon their oaths, do say, 'there was a concession as alleged in complainant's bill.' And thereupon this cause coming on to be heard in presence of counsel learned in the law, and argument being thereupon had, but because the court here is not advised what judgment to give of and concerning the premises, day is given to the parties aforesaid to hear the judgment of the court thereon until the next session of this court, until which time this cause is continued."

And thereupon this cause was continued under advisement from term to term until the December term of said court, being the fourth Monday of December, in the year of our Lord one thousand eight hundred and twenty-five, at which day "the said cause coming on to be debated and heard, in the presence of the counsel for the petitioners and of the attorney of the United States for the district of Missouri, on the petition, the answer and the testimony which is embodied in the record, it appears that the petition sets forth, in substance, that some time in the month of April, one thousand seven hundred and ninety-six, Antoine Soulard, the ancestor of the present petitioners, being then a resident of the province of Upper Louisiana, and surveyor general of the same under the Spanish government, presented his petition to the then lieutenant governor of said province, Don Zenon Trudeau, praying the grant of a tract of ten thousand arpens of land to be located on any vacant part of the royal domain. That in compliance with the said petition, and in order to remunerate the services of said petitioner, the said Don Zenon Trudeau, lieutenant governor, did, about the time aforesaid, grant to the said petitioner ten thousand arpens of land, and by said decree of concession did order the said quantity to be located and surveyed on any vacant part of the royal domain in said province, at the election of said petitioner. That the said quantity of land was, afterwards, on the twentieth

day of February, one thousand eight hundred and four, surveyed and located by the deputy surveyor, Don Santiago Rankin, on a vacant part of the public land, situate about fifteen miles west of the Mississippi river, and seventy miles north of the town of St. Louis, on a branch of the river Cuivre, and bounded as follows: commencing at a point in the northeast quarter of section twenty-five, township fifty-one north, range three west; runs thence north sixty-eight east, three hundred and seventeen chains, eight links, to a point in the northeast quarter of section fourteen, township fifty-one north, range two west, thence north twenty-two west, two hundred and fourteen chains and sixteen links to a point in the southeast quarter of section thirty-four, township fifty-two north, range two west; thence south sixty-eight west, three hundred and seventeen chains and eight links to a point in the southeast quarter of section eleven, township fifty-one north, range three west; thence south twenty-two east, two hundred and fourteen chains, sixteen links to the place of beginning. And that a certificate of said survey was duly made and recorded in the book of record of surveys kept by the said petitioner as surveyor as aforesaid. That before the time when claims should have been filed, pursuant to the act of Congress of the second of March, one thousand eight hundred and five, the said decree of concession and certificate of survey were, by mistake, thrown into the fire and destroyed. That in consequence of the destruction of said concession and certificate of survey, the said petitioner considered that he was excluded from the benefit of the act of Congress passed for the relief of land claimants, and omitted to file any notice of his claim, and has thereby been deprived of the benefit of the laws heretofore passed by Congress. That of the said tract of land, one thousand nine hundred and forty-seven acres and thirty-five hundredths of an acre, have been sold by the United States, and and that the residue of the said tract is not claimed or possessed by any person other than the petitioner. And that the same has been reserved from public sale until the final adjudication thereon by the proper tribunal. The petitioner prays that the validity of his said claim may be inquired into and decided, and that his claim and title may be confirmed to all that part of the said tract which has not been sold as aforesaid by the United States, and that he be authorized to enter in any of the land offices in the state of Missouri, the quantity of one thousand nine hundred and forty-seven acres and thirty-five hundredths of an acre of land, the quantity sold as aforesaid by the United States. It appears, also, that on the seventeenth day of March, one thousand eight hundred and twenty-five, Julie Soulard, widow of the said petitioner, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs at law of the said petitioner, filed their petition setting forth that the said Antoine Soulard, after having filed and prosecuted his said petition, died, leaving the said widow and children, his only heirs and legal representatives; and praying that the said cause might be revived and stand in their names against the United States; and the attorney of the United States freely admitting all the facts set forth in the petition of the said widow and children: the said cause was revived accordingly.

And it also appearing that the answer of the attorney of the United States sets forth, in substance, that he is wholly uninformed of all the matters and things in the said petition of Antoine Soulard, revived as aforesaid contained, and, therefore, that he does not admit the same to be true, and that he prays the court that the said petitioners may be held and required to prove

all such facts, matters and things, the existence whereof is, or may be deemed necessary to the confirmation of the said claim. And, moreover, that the said petitioners may be required and compelled to produce and show to the court the law, usage, or custom, by force and virtue whereof the said claim can or ought to be confirmed. And it further appearing, by the finding of the jury empannelled to try the issue directed in this cause, that such concession was made to the said Antoine Soulard, as in the said petition is stated. And it also appearing in evidence offered on the part of the said petitioners, that a survey of the said land was made, and a plat thereof recorded, as in the said petition is stated. And that it was the practice of the lieutenant governor of Upper Louisiana to make concessions of land in virtue of their office as such governors, and not in virtue of any commission as sub-delegate. And after debate of the matters aforesaid, and the court having inquired into the validity of the title of the said petitioners; and for that it appears to the court that no grant of the king's domain could have been legally made, unless made in virtue of some law or authority from him. And for that the regulations of Count O'Reily, of the eighteenth of February, in the year one thousand seven hundred and seventy; and of governor Gayoso, of the ninth of September, one thousand seven hundred and ninety-seven; and of Morales, the intendant, of the seventeenth of July, one thousand seven hundred and ninety-nine, exhibit a general intention and policy on the part of the Spanish government, in relation to the disposition of the public domain which excludes every reasonable supposition of the existence of any law, usage, or custom, under and in conformity to which the alleged concession might have been perfected into a complete title, had not the sovereignty of the country been transferred to the United States, and for that the principles, commands, and prohibitions in those regulations contained, are not to be reconciled with any idea of the legality of the said concession, and are incompatible with the existence of any law, usage, or custom in conformity with which the said concession might have been confirmed, had no change of sovereignty taken place. The court doth, therefore, find the alleged concession and claim of the petitioners to be illegal in its origin, and invalid; and doth therefore decide, adjudge, and decree against the validity of the same; and doth further order, adjudge, and decree, that the said petitioners pay all costs and charges occasioned in and about the prosecution and defence of this suit. And therefore the said petitioners, by their attorney aforesaid, pray that they may appeal from the judgment aforesaid of the court here, so as aforesaid rendered, to the supreme court of the United States, and to them the same is granted by the court here. Whereupon the said petitioners exhibit to the court here an appeal bond for the payment of costs entered into by Marie P. Leduc, which, by the court here, is approved; thereupon it is ordered by the court here that a record of the proceedings aforesaid, with all things thereunto relating, be transmitted to the supreme court of the United States, together with a transcript of the evidence given on the hearing of this cause, as well on the part of the petitioners as on the part of the United States, consisting of the depositions of Charles Dehault Delassus, Auguste Chouteau, Marie P. Leduc, and Albert Tison, and also transcripts of the several papers referred to in those depositions, with the sworn translations of such of the said papers as are in a foreign language, and also a copy of a concession to John B. Janis, marked O. The evidence of Philip Fine, marked P. A copy of the certificate of survey, marked Q. A copy of the commission of Charles Dehault Delassus,

as lieutenant governor, with a sworn translation, marked R. A copy of a complete title to Regis Loisel, with a sworn translation, marked S. A copy of a complete title to Jacques de Strain, with a sworn translation, marked T. A copy of a complete title to Charles Gratiott, with a sworn translation, marked U. A copy of the boundaries of Soulard's unconfirmed claim on the general plat, marked V. And a copy of a certified list exhibiting all the lands sold and not relinquished, covered by Soulard's claim, marked W And it is further ordered, that these papers and proceedings, and every of them, be considered and made a part of the record in this case for the consideration of the said supreme court.

On the trial of the above cause the following depositions were read in evidence on the part of the petitioner, to wit: "The deposition of Charles Dehault Delassus, taken *de bene esse* before me, James H. Peck, judge of the United States for the Missouri district, at St. Louis, this 22d January, 1825, by consent as well of the attorney of the United States as of Antoine Soulard, to be read in evidence in the cause pending in the court of the United States, in Missouri, wherein the said Soulard is complainant, and the said United States are defendants.

The said Delassus being first duly sworn on the holy evangelist of Almighty God, deposeth and saith, That he well knew Don Zenon Trudeau, formerly lieutenant governor of the late province of Upper Louisiana, whom deponent succeeded in the said government on the 28th of July, 1779; that all the lieutenant governors of Upper Louisiana were, in virtue of their offices as lieutenant governor, likewise sub-delegates; that the offices of lieutenant governor and sub-delegate were inseparable; that when deponent was commandant at New Madrid, in Upper Louisiana, he wrote to the Baron de Carondelet, at New Orleans, the governor general, desiring to be excused from discharging the duties of sub-delegate; and that he received for answer—that since the commencement of the Spanish government in Louisiana, the officers appointed by patent by the governor general (of which witness was one,) were at the same time sub-delegates, and military and political, or civil officers; that the offices were inseparable: that there never was in Upper or Lower Louisiana a commission of sub-delegate specifically made to any officer; that the lieutenant governor of Pensacola was also sub-delegate in virtue of his office as lieutenant governor without any other commission; that in Upper Louisiana there were but two patented officers who had the authority of sub-delegates—one at St. Louis and one at New Madrid; that the commandants at other posts, as at St. Genevieve, were called particular commandants; that the functions of a sub-delegate were the same before as after the appointment of the intendant at New Orleans in relation to the granting of lands, except that the sub-delegates on those subjects addressed themselves to the intendant after his nomination, instead of the governor general, as previously they had done; that the practice in Upper Louisiana of the sub-delegates, in relation to the granting of lands, was, when a petition was presented to him for the purpose of obtaining a concession, if the sub delegate considered that the petitioner possessed merits to entitle him to the concession, he granted the same subject to the confirmation of the intendant, or before his time, of the governor general; that in making a concession it was usual in general for the sub-delegate to make at the same time an order of survey, and more particularly since the appointment of Mr. Soulard surveyor general, but that such order of survey was not indispensable; that the grantee, however, in his (deponent's) opinion, without

such order of survey, might proceed to have the survey made; that he knows of no objection proceeding from the authorities at New Orleans to the usage or to the power of granting lands by the sub-delegates; that a petitioner for a concession of lands had a right of appeal from the refusal of the sub-delegates to the superior authority at New Orleans; that concessions made by deponent, as lieutenant governor, have been confirmed by the superior authority at New Orleans, by both the governor general and the intendant, and that in no case within his knowledge has there been a less quantity confirmed than that originally granted; that he knows this to be the fact in relation to the grants made by his predecessor, Don Zenon Trudeau; that Don Zenon Trudeau is deceased; that he held his commission as lieutenant governor from the Baron de Carondelet; that this commission, as deponent believes, was in terms similar to the one which he himself held, and which he is ready to produce; that while lieutenant governor he kept no registry of concessions by him made; that he gave the concession to the petitioner; and that, thereupon, as he believes, whether before or after the survey he knows not, the surveyor made a note or record of the concession; that matter did not concern deponent as lieutenant governor; that there was no mention made of any instructions by him received of the necessity of the registry of concessions; he knows of the existence of a book called the "Livre Terrien;" that when he was appointed lieutenant governor he believes he saw it; that he made no use of it; that it had not been made use of for some time theretofore; that, as deponent believes, it had not been made use of from the time of the appointment of Soulard as surveyor general; that the Livre Terrien did not concern witness; that when a concession was made an order of survey, there was no time limited within which a survey should have been made; that mineral lands were not reserved from sale by the Spanish government; that on the contrary the government encouraged the settlement of the country by miners, and the working of lead mines. The object of the government was to attract population by every means for the purposes of cultivation, and above all, for the purposes of mining; that he was frequently at St. Louis during the government of Don Zenon Trudeau; that he was intimate with him, and frequently at his house during said time; that at various times when witness was at the house of Don Zenon Trudeau he heard him mention a concession of ten thousand arpens of land which he, Trudeau, said he had made to Antone Soulard, the petitioner; that one of the acquirements and talents of Mr. Soulard at that time must have been of great service to the government of Upper Louisiana; that he was, in fact, the right arm of the government at the time referred to; and that these remarks are true of Mr. Soulard in reference to the time at which deponent was lieutenant governor; that Soulard, during the last mentioned period, continued to exercise the duties of the same offices that he had done during the government of his predecessor, and without any fixed salary for either; that he saw the concession, of which he has spoken, in the possession of Mr. Soulard, on his table or amongst his papers; witness cannot say that he read the concession from beginning to end, but that it was the same concession of which he has already spoken; that the concession was in the usual form for ten thousand arpens of land; that the requete or petition was in the handwriting of Soulard, and the whole of the decree or concession was in the handwriting of the lieutenant governor Trudeau; that it was frequently the case that the concession was written by some person other than the governor, for his signature; that he knew Santiago Rankin, and that he was

the deputy of Soulard the surveyor general; that Soulard had the power of appointing a deputy surveyor, the manner of appointing was by letter: the commission of Antoine Soulard, surveyor of all the districts of the Illinois and New Madrid, of the date of 3d February, 1795, marked A; the original official letter of Morales the intendant, respecting Mr. Soulard's right to survey in the district of New Madrid by himself or deputy, marked B; the official letter of Col. Howard, recommendatory of Soulard, marked C; appointment of Soulard adjutant, marked D; the proclamation of Salcedo and Casa Calvo, marked E; the ordinance or regulations of Morales, marked F; the letter accompanying the same, marked G; the official of Delassus to Soulard, wherein he announces the death of the assessor at New Orleans, as made known to him by Morales, marked H; the letter from Casa Calvo to Col. Delassus, acknowledging the receipt of the ordinance, &c., dated 30th May, 1805, marked J; letter of Morales to Col. Delassus of 1799, 26th August, in which witness is informed that the sub-delegates are independent of each other, marked K; the certificate of Don Gilberto Leonard and Don Manuel Armires, ministers of the royal treasury, in favor of Col. Delassus as former commandant at New Madrid, and lieutenant governor of Upper Louisiana, dated 27th June, 1805, marked L, are identified and proved by witness, and are endorsed and marked with the letters of the alphabet from A. to L. inclusive; that he received six copies of the regulations of Morales, officially transmitted to him as announced by the letter already referred to, upon the margin of which letter he noted in Spanish that the letter was answered, and that the regulations were not to be complied with until further orders; that he did answer the letter of Morales as noted in the margin thereof, and accompanied his answer with objections, a rough draft of which is herewith presented, marked M; that he knows that Morales received the letter and objections, at least that Morales made other communications to witness in answer to those made by him at same time and through the same medium; that as lieutenant governor he had a right to suspend the execution of any order which to him appeared prejudicial to the interest of the king or people until fresh instructions; that he received afterwards other letters and communications from Morales referable to the department of sub-delegate, and that he never mentioned the subject of those regulations; that he does not remember to have caused those regulations to be published; that he gave no orders to his inferiors relative to the regulations of Morales, because he did not intend to obey them himself, and had remonstrated against them. His acts in relation to the granting of lands, since the regulations of Morales, were approved, because he received the letter of approbation from the Marques Casa Calvo, of the 30th May, 1805, marked N, heretofore offered; and because he thinks his acts or grants were confirmed; and because, if his acts had not been approved, he would have been informed thereof; that he is not certain whether any concession made by him was confirmed. He received from Morales answers to all his communications except that objecting to the regulations. The practice in relation to the concessions of land in Upper Louisiana, was to return the process verbal, and plat and concession to the party, and the governor below had no other means of knowing to whom lands had been conceded. Witness says he recollects one instance of receiving a note from the governor below, or from the intendant, either when he was governor here or at New Madrid, desiring to know whether a certain person to whom he, witness, had made a concession, had the requisite qualifications. Says he did not consider the

regulations of Morales as obligatory upon him, but that if any person had made application to him for a grant, he would have made it as though the regulations had not been made. He says the regulations were not binding upon him, because of the reasons mentioned in the objections heretofore offered in evidence. He has seen several ordinances of the king of Spain in relation to the granting of lands, but he does not recollect the date of them. The regulations of O'Reily were so old that they were not regarded; those which governed witness were those made by Carondelet. When he went to New Madrid to command he found the regulations of Carondelet; he left them there when he came here to command. They had authority only in Upper Louisiana. Those regulations authorized the granting of lands according to the number of family and means, and according to the object in view in granting. He consulted no ordinances of the king for his duties, but the orders and instructions of the governor which was authoritative to him; he was likewise governed by the usage and customs of his predecessors. The quantity was not limited by any law or usage; he delivered a bundle of official letters which would clear up many things here. When he left Orleans to take command at Madrid, Carondelet told him in person, what he afterwards wrote, that he wanted him to invite inhabitants from the United States; not hunters, but those who had families and great means, and to grant lands, as much as they want, according to their means. Those who would make settlements and bring other families, to grant them as much land as they want; while here as lieutenant governor he received the same instructions from Gayoso in writing. He was commandant at New Madrid from the year 1796 to 1799. Those papers with others he lost at Baton Rouge, on the revolution there.

There was no other record of concessions except that kept by Soulard, who was obliged to keep such book. The government below were aware of the manner in which Soulard's book was kept, and it always received the greatest approbation. He knows this by report generally by what Soulard said to him, and by a letter received by Soulard. A Livre Terrien was kept before Soulard was appointed, but not after. Those instructions which he received from Carondelet were written as well those he found at Madrid as those he received. They were particular to him. When publication of instructions or *or* regulations was to be made, the governor directed it and the manner. All the instructions which were official, which he received, he delivered to the commissioners at New Orleans. The instructions of Gayoso were official, and were delivered to the commissioners. It was not the duty of lieutenant governor to keep any memorandum of concessions made. The vacant lands were seen, and those who had got titles were settled. He does not think Soulard rendered any account of the official acts done by him. He believes Soulard received instructions from the surveyor general as to the manner in which he should keep his books; but the surveyor was under the orders of the lieutenant governor. The surveyor general below had his district, and so had Soulard. The letter of the surveyor general to Soulard was rather a letter of friendly advice than of instructions. He, the witness, never received any commission as sub-delegate. He declined accepting the command at Pensacola because the duties of sub-delegate were attached thereto, as he knew nothing about those. The instructions were by the king to the governor, and by the governor to him; he did not know the instructions to the governor from the king.

The regulations of O'Reily, Gayoso, and Morales were for the govern-

ment of Upper Louisiana, and were delivered to the commissioners at New Orleans. He means by the word usage, the practice of his predecessors, because they were based upon the instructions. He may have added something to the usage of his predecessors according to his instructions, where these may have required it; he never received orders to discontinue Livre Terrien; he found Mr. Soulard at St. Louis as surveyor, and knows nothing of Livre Terrien. He thinks he delivered over every public document which was necessary or useful to the citizens of this country; he delivered them to major Stoddart; an inventory of which he gave to Stoddart; one he kept, and the other he gave to the commissioners, Salcedo and Casa Calvo. He took with him only his official papers relative to his responsibility to his government. He took no book with him, nor any thing except his official instructions, which could relate to land titles. He left here 10th March, 1804, and remained a governor two years at Baton Rouge until 1810, previous to which time he was colonel of a regiment. In granting lands they, the sub-delegates, were authorized to reward gratuitous services, secret, military, or civil, and were not limited as to quantity; because generally the governor had confidence in those he appointed, and because it was in virtue of the good will of his majesty towards his subjects. He first derived intelligence of the treaty of 1803, from Lewis and Clark, the fall or winter of 1803. Santiago Rankin and Maddin were deputies in the spring of 1804. He does not know whether he made any concessions after the treaty of cession of 1803. He thinks information of the cession to France and to the United States, came at the same time.

Albert Tison deposed, that in the months of January and February, 1804, he was on the upper Cuivre river, and saw James Rankin with a memorandum to survey 10,000 arpens for Antoine Soulard, and saw him begin to survey; that said Rankin had memoranda to survey many other claims, and among the rest two claims for the children of Antoine Soulard, and one for the witness of a league square, which are confirmed; also one of Mr. Laudreville.

Marie P. Leduc deposed, that in February or March, 1800, he copied the French part of the regulations of Morales, and pasted them on a board, and set them upon a fence in front of the lieutenant governor's house, where they remained about eight days, until they were washed away by the rain. Has sometimes seen publications made through the street by beat of drum, particularly the proclamation of Casa Calvo and Salcedo, and also regulations made by the lieutenant governor for the government; he remembers no other instance. He arrived at St. Louis in 1799; witness was private secretary to lieutenant governor Delassus.

Auguste Chouteau deposed, that before there was a surveyor appointed, the commandant kept a registry at his own house; since then it was the business of the surveyor to register. It was the duty of the surveyor to note the authority by which the survey was made. The survey was made before any record. The news of the cession to France came before December; that of the cession to the United States in December. St. Ange was the first commandant. It was the custom of this governor to register concessions, and perhaps of his successors as late as the time of Trudeau. The government here commenced in July, 1764. The Livre Terrien was kept by the governors themselves, and signed by them. The surveyor kept a register, as well of the concession as of the survey. He never saw the books; he speaks from belief. There were a great many surveys made here just before

the change of government. Rankin and Maddin, and he believes some others, were deputies.

To which said deposition the defendants, by their attorney, except and tender their bill of exceptions in the words and figures following, to wit:

"Be it remembered, that at the trial of this cause the petitioners produced, as a witness for them, Don Charles Dehault Delassus, the last Spanish lieutenant governor of Upper Louisiana, who, among other things, deposed that confirmations had been had of concessions granted by him as lieutenant governor, and by his predecessor, Don Zenon Trudeau; to the receiving of which as evidence the district attorney objected, alleging that the confirmation of all concessions of land under the Spanish authority must be matter of record, and is not susceptible of oral proof, which objection was overruled by the court, and received said evidence for the purpose of showing the practice of the lieutenant governors to make concessions, and the recognition on the part of their superiors of their power to make such concessions, to which decession of *of* the court the district attorney excepts.

"Be it also remembered, that on the trial of the issue made up in this cause, viz: whether there was or was not such a concession as that set forth in the petition, the petitioners produced and offered to read in evidence a plat and certificate of Wm. Rector, late surveyor of the public lands in Illinois, Missouri, and Arkansas, purporting to be a copy of the plat and survey of the tract of land claimed by the said petitioners in this cause, which plat and certificate are marked Q, and embodied with the other testimony to be sent up to the supreme court, to the receiving of which in evidence the district attorney objected, but the court overruled the objection and received the same in evidence, to which decession of the court the district attorney excepts.

"Be it also remembered, that at the hearing of this cause the district attorney, on the part and behalf of the United States, objected to the receiving as evidence, and prayed the court to reject all parts of the depositions of Charles Dehault Delassus and Auguste Chouteau (which depositions are embodied in writing to be sent up to the supreme court), which tend to prove matter of law; upon which objection the court decided that it was not competent for the witnesses to prove matter of law, whether written or unwritten, the latter because they did not appear to be learned in that science; but so far as the depositions went to show the practice in relation to the manner of making concessions, and the officer by whom made, the court would receive the same, since a presumption of what the law was in relation to such matter might arise from such practice. To which decision of the court the district attorney excepts. And the said district attorney now tenders to the court here this his bill of his exceptions aforesaid, and prays that the same may be signed and sealed for a testimony, and made a part of the record, which is accordingly done.

JAMES H. PECK. [L. S.]"

And to which deposition the petitioners, by their counsel, excepts, in the words and figures following, to wit:

"Be it remembered, that on the hearing of said cause the counsel for petitioners, on his behalf, offered the following testimony given on oath by Charles Dehault Delassus, formerly lieutenant governor of Upper Louisiana, to wit: 'That the omission of registry did not, in the opinion of witness, affect the validity of a concession made by a sub-delegate or lieutenant

governor, and that he, witness, knows of no usage requiring registration of original concessions. That at different times that he, and also witness, heard Trudeau say, that Mr. Soulard had taken great pains in the service of the king; had served the king with great effect; that he, Soulard, had no fixed salary as surveyor, and that he, Trudeau, had made the grant of land for the purpose of rewarding those services; that said Soulard had performed the duties of adjutant major, and of aid-de-camp to the governor without any fixed salary, at the same time that he was surveyor general without any salary;' which testimony of the declaration of said Trudeau being objected to by the attorney for the United States, said objection was sustained by said court, to which opinion the counsel of petitioner aforesaid excepts, and said counsel by said witness offered to prove that he, said witness as lieutenant governor aforesaid, had a right to suspend the execution of any order which, to him, appeared prejudicial to the interests of the king or people, until fresh instructions; to which evidence, the attorney for the United States having objected, the objection was sustained by the said court; to which opinion the counsel for the petitioner excepted, and said counsel tenders to the court his bill of exceptions, and prays that the same may be signed and sealed, which is accordingly done, and ordered to be made a part of record.

JAMES H. PECK. [L. S.]"

The following are letters and other documents proved by, and referred to, in the deposition herein before set forth, of Charles Dehault Delassus, as copied from the originals, and translations thereof made by a sworn interpreter, to wit:

LETTER A.

"El Baron de Carondelet, Caballero de la Religion de San Juan, Brigadier de los Reales Exercitos, Gobernador, Vice Patrono de las Provincias de la Luisiana, Florida occidental, è Inspector de sus Tropas, &c.

A fin de obviar las muchas y varias dificultades que se han suscitado entre los habitantes de los Pueblos y establecimientos de Ilinoa a cerea de los Linderos de sus tierras, la major parte no apeadas aun por falta de un agrimensor experimentado y para evitar la confusion y Pleitos que en lo sucesivo pudieran originarse: hallandome instruido, de la suficiencia y talentos del Capitan de Milicias del Pueblo de Sn. Luis Dn. Antonio Soulard, he venido en nombrarle como por el presente le nombro por agrimensor de todos los Distritos de Ylinoa y Nuevo Madrid para que conformandose con las instrucciones del Agrimensor gral. el Teniente de Exto. Dn. Carlos Laveau, con quien precisamente debera corresponderse, mida apèe, establesea linderos y amojone las tierras que por el gobno. gral. se concedieren, elevando sus legitimos y acostumbrados derechos. Mando a los respectivos comandaietes y al Teniente Gobernador de los Establecimientos de Ylinoa, le guarden y hagan guardar, las honras exenciones y privilegios que como a tal agrimensor le corresponden. Dado el presente firmado de mi mano, sellado con el sello de mis armas, y refrendado por el infrar crito secretario por S. M. de este gobierno gral. en la Nueva Orleans á 3 de Febrero de 1795.

EL BARON DE CARONDELET, [L. S.]

ANDRES LOPEZ ARMESTO."

LETTER A.—TRANSLATION.

"The Baron de Carondelet, knight of the order of the religion of St. John, brigadier of the royal armies, governor, vice-patron of the provinces of Louisiana, Western Florida, and inspector of the troops thereof, &c.

"In order to obviate the many and various difficulties which have happened between the inhabitants of the posts and settlements ot Illinois relative to the boundaries of their lands, the greatest part not yet surveyed for want of an experienced surveyor; and that to avoid disorder, confusion, irregularities, and litigations, and law suits, which may in future take place; being myself informed of the capacity and talents of the captain of the militia of the post of St. Louis, Don Anthony Soulard, I have named him, and by these presents I name him surveyor of all the districts of Illinois and New Madrid, so that, conforming himself to the instructions of the surveyor general, the lieutenant of the armies, Don Charles Laveau, with whom he is to correspond directly, he will measure, survey, establish boundaries, and mark the lands which will be conceded by this general government, taking his lawful and accustomary fees. I command all the respective commandants, and the lieutenant governor of the establishments of Illinois, to render him, and cause to be rendered to him, the honors, rights, and privileges which belong and appertain to such surveyor.

Given the present, signed with my hand, sealed with the seal of my arms, and countersigned by the undersigned secretary of this government general for his majesty. New Orleans, February 3d, 1795.

(Signed) EL BARON DE CARONDELET. [L. S.]

(Signed) ANDRES LOPEZ ARMESTO."

LETTER B.—COPY.

Yncluyo a Vm. copia del oficio que me paso el Señor Intendente Gral. del tenor siquiente copiado a la lettra. "En oficio de esta fecha digo al Capitan Don Henrique Peyroux subdelegado de la Intendencia en el Puesto de Nuevo Madrid lo que Sigue." "Con presencia de lo que en 31 de Julio ultimo me representó el agrimensor particular de esos establecimientos Dn. Antonio Soulard y de lo que sobre ello me informo en 22 de Septiembre del mismo gral de la Provincia Dn. Carlos Trudeau, debo prevenir a Vmd. que considerando como agrimensor de ese puesto al referido Soulard, no debe impedirle execute los apeos de tierra que ocurran en ese Distrito, bien por si propio, or por la persona que baxo su responsabilidad comisione, pues asi lo exigen el buen orden que deseo se establezea en este ponto, y la uniformidad y dependencia del agrimensor Gl. de esta Capital con que deben travajor los demas de la Provincia, parricipolo a Vmd. para su inteligencia y cumplimiento, dando me aviso del recivo de este oficio pa. mi gobierno." "Participolo a Vmd. encontestacion a su carta del 3 de agosto del ano pasado No. 37." Nueva Orleans 21 de Enero de 1802. Dios gue. a Vm. Ms. As.

JUAN VENTURA MORALES.

SR. DN. CARLOS DEHAULT DELASSUS.

LETTER B.—TRANSLATION.

In my official letter of this date, I say to the captain Don Henrique Peyroux, sub-delegate of the intendency in the post of New Madrid, as follows:

"Having before me the statement, dated 31st of last July, made to me by the surveyor of Upper Louisiana, Don Antonio Soulard, and also the communication dated 22 September last, on the same subject, made to me by the surveyor general of Louisiana, Don Carlos Trudeau, I have to inform you, that considering as surveyor of the post of New Madrid the said Sou-

lard, you must not prevent him from executing the surveys of land that may become necessary in that district, either by himself or by the person whom under his responsibility he shall commission, for this is necessary to the good order which I desire may be established on this subject, and the uniformity and subordination to the surveyor general of this capital, with whom the others must co operate." I communicate this to you, sir, that you understand and enforce it, informing me of the receipt of this official letter for my own government. God preserve, &c. New Orleans, 21st January, 1802.

JUAN VENTURA MORALES.

Sr. Don Carlos Dehault Delassus.

Letter C.

Dn. Carlos Howard, Teniente Coronel del Regimiento de la Luisiana, y por especial comision del Sr. Maris cal de Campo Baron de Carondelet, Comte Militar de la Luisiana Alta. Certifico, que el capitan de Milicias Dn. Antonio Soulard, Agrimensor nombrado por el gobierno gral. de la expresado Luisiana Alta, y por mi Ayudante Mayor interino de esta plaza de Sn. Luis de los Ilinueses, como tambien por dicho Sr. Baron, par exercer las funciones de Ingenior baxo la direccion del voluntario de la misma clase Dn. Luis Vanden Benden en las obras de fortificacion, que se han hecho aqui a mis ordenes, executando a demas Soulard Planos de las mismas: se ofrecio igualmente a alternar en el servicio diario de la Plaza, y admiti la oferta, por la mucha es cazez de oficiales veteranos; continuó serviendo los insinuados destinos con tanto zelo y actividad, que, sin embargo de haber decaido visiblemente su salud insistio en continuarlos, no obstante haberle yo instado á que descansase, y mudase de aires, sienedo de notar, que hijo los expresados servicios sin gratificacion alguna ò haberla, si quiera, pedido, y por lo mismo tengo recomendado y à sumerito al precitado Sn. Baron, anadiendo, que su talento, fina crianza y cultivades luces le hacian acreedor a que la superioridad le atendiese, confiriendole grado de Exercito y empleo de Ayudante de la referida plaza, donde hacia particular falta tul empleo para substituir al comandante, y Tenentiente Gobor. en ausencias ó enfermedades, y sobre todo en caso de muerte, pues en tiempo de paz, y aun en el dia, retirandame y o de aqui, queda mi sucesor el Capitan graduado de teniente coronel Dn. Zenon Trudeau, sin subalterno alguno. Y para que conste doy la presente a solicitud del interesado en esta plaza de Sn. Luis de los Ylinueses el primero de Agosto del año de mil seteisentos noventa y siete.

CARLOS HOWARD.

Letter C.—Translation.

Don Carlos Howard, lieutenant colonel of the regiment of Louisiana, and by special commission of the Sr. field marshal, the Baron de Carondelet, military commandant of Upper Louisiana—I do certify that the captain of militia, Don Anthony Soulard, appointed surveyor of the said Upper Louisiana by the general government, and by me adjutant major pro tem. of this place of St. Louis of the Illinois, and commissioned also by said Sr. Baron for exercising the functions of engineer under the direction of Don Louis Vanden Benden, volunteer in the same corps in the work of fortifications which have been executed here under my orders. The said Soulard making also plans of the same. I say, I certify, that said Anthony Soulard

did likewise offer to be employed in rotation in the daily service of the place, which offer I accepted from the great scarcity of veteran officers; that he discharged his duties in the capacities aforesaid with so much zeal and activity that, notwithstanding the manifest decline of his health, he persisted in them, although I requested him to take some rest and exchange of air. Being to be observed that he rendered the services above mentioned without having received or solicited any gratification; for which reason I have already recommended his merits to said Sr. Baron, adding, that his talents, liberal education, and cultivated acquirements render him worthy the attention of the superior authority, to confer on him a rank in the army, and the office of adjutant of the place aforesaid, where such an appointment is particularly wanted in order to supply the place of the commandant and lieutenant governor in case of absence or infirmity, and specially in that of death. Since in time of peace, and even at this day when I am leaving this place, my successor, the captain, Don Zenon Trudeau, with the grade of lieutenant colonel, remains without any subaltern officer;—and that the above may stand duly attested, I give these presents at the request of the person interested at this place of St. Louis of the Illinois, the first of August, one thousand, seven hundred and ninety-seven.

CARLOS HOWARD.

LETTER D.

He nombrado a Vm. para exercer interinamente el empleo de Ayudante del teniente de Gobernador de estos establecimientos vacante por fallecimiento del propriétario Dn. Pedro de Volsey; lo que hago a Vm. Saber para que haga sus funciones, haviendo yo pasado la orden para que en dicha calidad se de areconocer. Ds. Gue. a Vm. Ms. As. Sn. Luis, 30 de Octubre de 1795.

ZENON TRUDEAU.

SR. DN. ANTONIO SOULARD.

LETTER D.—TRANSLATION.

I have appointed your worship to exercise the duties of adjutant pro tem. of the lieutenant governor of these establishments, which office became vacant by the death of Don Peter de Volsey, the proprietor: And which I make known to your worship in order that you discharge the duties attached to this office, having already transmitted the necessary order to make you known in that capacity. God preserve you many years. St. Louis, October 30th, 1795.

ZENON TRUDEAU.

SR. DN. ANTHONY SCULARD.

LETTER E.

Dn. Manuel de Salcedo, Brigadier de los Reales Exercitos, Gobernador Militar y politico de la Provincias de la Luisiana y Florida Occidental, Inspector de los tropas veteranas, y Milicias de ellas, Vice Patrono Real, Juez subdelegado de la superintendencia general de Correos, &c. Y Don Sebastian Calvo de la Puerta, y O'Farrill, Marques de Casa Calvo, Caballero de la orden de Santiago, Brigadier de los Reales Exercitos, y Coronel del Regimiento de Infanteria fixo de la Havana, comisionados por S. M. para al entrega de esta Provincia á la Republica Francesa.

Hacemos saber á todos los vasallos del Rey nuestro Señor de qualquiera clase y condicion que sean ha resuelto S. M. se hager la retrocession de la provincia de la Luisiana, a reciproca satisfaccion de ambas potencias, y continuando lo mismas pruebas de proteccion, y afecto que han experimentado siempre los habitantes de esta Provincia, ha tenido a bien determinar entre otras casas, ciertos puntos que creemas de nuestro deber poneren la noticia publica para el particular gobierno, y disposiciones de aquellos á quienes pueda interesar.

1. Teniendo S. M. presentes las obligaciones impuestos por los tratados, y queriendo evitar las disputas que pudieran suscitarse, se ha digno resolver; que la entrega de la colonia è Islade la Nueva Orleans que debe hacerse al general de Divison Victor, ú otro oficial legitimamente autorisado por el Gobierno de la Republica Francesa, se verifique en los mismos terminos que la Francia la cedio a S. M. en cuya virtud los limites de ambas orillas del Rio Sq. Luis ó Misisipi, permaneceran segun se fixaron irrevocablemente por el articulo 7 del tratado definitivo de paz concluido en Paris a 10 de Febrero de 1763, y consiguientemiente los estableismientos desde el Rio Manchack, o Iberville hasta la linea que se para el territorio Americano de los dominios del Rey, quedan en poder de la Espana, y anexos a la Florida Occidental.

2. Todos los individuos, que haya empleados en qualquier ramo que sea, y quieran continuar baxo el Dominio del Rey, pasaran a la Plaza de la Havana, ó bien a otros puntos de la posesiones de S. M. a menos que prefieran que darse al servicio de la Francia, lo que podran executor libremente: mas si alguno motivo fundado y justo impediese, por ahora, a los primeros el cumplimiento de esta disposicion, lo representaran opportunamente por el conducto de sus Xefes respectivos, pará la determinacion que corresponda.

3. La piedad generosa del Rey no dejara de continuar las pensiones concedidas a las viudos y retirados, y opportunamente se les hara saber el modo que esto haya de verificarse.

4. Manifestando S. M. las esperanzas que tiene por la ventaja y tranquilidad de los habitantes de la colonia se promete de la sincera amistad y estrecha alianza que une al Gobierno espagnal con el de la Republica, que este dara sus ordenes al Gobernador y a los demas oficiales empleados a su servicio en la dicha colonia y audad de la Nueva Orleans para que los Eclesiasticos, y casas religiosas que sirven los curatos, y Misiones, continuen sus funisones, y gozen de los mismos privilegios, prerrogativas, y exenciones que los han sido concedido por los titulos de sus estableismientos, que los juezes ordinarios continuan igualmente que los tribunales estableidos a administrar la justicia, segun las ley es y costumbres recibidas en la colonia: que a los habitantes se les manteugan, y conserve en pacifica posesion de sus bienes, que les sean confirmadas todas las concesiones o propriedades de quales quiera especie hecha por los Gobernadores de estas provincias, aun quando no hayan sido confirmadas por S. M. esperando a demas que el Gobierno de la Republica, dara a sus nuevos subditos las mismas pruevas de proteccion y afecto que han experimentado baxo el dominio de S. M.

A fin de que todas los interesados que dan tomar la determinacion que juz guen mas conveniente a sus intereses, hacemos saver igualmente que en los casos de duda deben acudir a qualquiera de nosotros para la providencia que corresponda, con arreglo a los reales ordenes, e instrucciones con que nos hallamos. Y para que llegue a noticia de todos hemos mandado publicar el presente con la solemnidad y reqúisito de estilo, a son de Caxas Militaires, y

fixarlo en los para ges a costumbrados. Dado en la Nueva Orleans a 18 de Mayo de 1803.

MANUEL DE SALCEDO.
EL MARQUES DE CASA CALVO.

By order of their Lordships,
CHARLES XIMENEZ, Secretary of War.
Copy of the original,
ANDRES LOPEZ ARMESTO.

LETTER E.—TRANSLATION.

Don Manuel de Salcedo, brigadier of the royal armies, governor civil and military of the provinces of Louisiana and Western Florida, inspector of the troops and militia thereof, vice patron royal, judge sub-delegate of the general intendency of, &c. And Don Sebastian Calvo de la Puerta y O'Farrill, Marques de Casa Calvo, knight of the order of St. James, brigadier of the royal armies, and colonel of the regiment of infantry of Havanna, commissioned by his majesty for the delivery of this province to the French Republic.

Make known to all the vassals of our lord the king, of whatever class or condition they may be, that his majesty has resolved, that the retrocession of Louisiana should be made to the reciprocal satisfaction of each power; and that the same proofs of protection and love, which the inhabitants of this province have experienced, should be continued; his majesty, amongst other things, has been pleased to determine certain points, which we believe our duty to cause to be published for the knowledge and disposition of all interested.

First. His majesty having under his eyes the obligations imposed by the treaties, and being desirous to avoid all dispute which might unexpectedly arise, has resolved that the retrocession of the colony and island of Orleans, which is to be made to the general of division Victor, or other officers lawfully authorized by the government of the French republic, take place under the same form as that in which France has ceded it to his majesty, in virtue of which the limits of the border of the Mississippi or river St. Louis shall remain as they were fixed by the 7th article of the definitive treaty of peace concluded in Paris the 10th day of February, 1763, and consequently the settlements of river Manshack or Iberville, as far as the line which separates the American territory from the king's domain, shall remain under the power of Spain, and annexed to the Western Florida.

Second. All individuals who have been in the employ of his majesty, and who will remain under the domination of the king, will go the place of Havanna, or any other places belonging to his majesty, unless they should prefer to remain in the service of France, which they may freely do; but should any just and well founded reasons hinder them for the present to comply with this disposition, they may state them through their respective chiefs, to be decided upon accordingly.

Third. The benevolence of his majesty will not discontinue the pensions granted to the widows, and those who have retired from the service, and will acquaint them in what manner they may receive their pensions.

Fourth. His majesty makes known, that by the wishes he entertains for the advantage and peace of the inhabitants of the colony, he expects, from the sincere and close amity and alliance which unites the Spanish govern-

ment to that of the republic, that the latter will give orders to the governors and other officers employed in its service in the said colony and city of New Orleans, to the end that the churches, and other houses of religious worship served by the curates and missionaries, should continue on the same footing, and enjoy the same privileges, prerogatives, and immunities which were granted to them by the titles of their establishments; that the ordinary judges continue equally as the tribunals established, to administer justice according to the laws and customs adopted in the colony; that the inhabitants should be maintained and preserved in the peaceable possession of their property; that *all concessions or property of any kind soever, given by the governors of these provinces, be confirmed, although it had not even been done by his majesty;* hoping also that the government of the republic will give to its new subjects the same proofs of love and protection which they have had under the government of his majesty.

Fifthly. In order that all parties interested may take the resolution which they will judge the most conducive to their interest and welfare, we also make known, that in case of doubt, they may have recourse and apply to any of us for more ample information and knowledge, according to the rules and instructions which we have received.

And that it may come to public knowledge, we do ordain that the same be published with all solemnity required, at the sound of military drum, and posted up in the ordinary places. Given at New Orleans, May 18th, 1803.

MANUEL DE SALCEDO.
LE MARQUIS DE CASA CALVO.

By order of their lordships,
(Signed) CHARLES XIMINES.
Copy. (Signed)
ANDRES LOPEZ ARMESTO.

By order of their lordships, the commissaries, I have commanded the publication at the sound of drum in this post of St. Louis.

(Signed) CHARLES DEHAULT DELASSUS.

LETTER G.

La gobierno de esa Subdelegacion, e inteligencia de los Habitantes de ese Distritos, y demas personas que deben tener intervencion en el repartimto. y concesion de tierras y solares, paso a manos de Vm. seis exemplares del Reglamto. qe. he formado y debe observarse mientras S. M. otra casa no decida. Debe publicarse en los terminos que se practica con las demas ordenes generales que interesan el servicio de S. M. y de haberle executado me dara Vm. el correspondiente aviso. Dios gue. a Vmd. Ms. anos. Nueva Orleans, 17 de Julio, 1799.

(Signed) JUAN VENTURA MORALES,
Sr. Comte. de Sn. Luis de Illinois.

LETTER G.—TRANSLATION.

For the government of that sub-delegation and knowledge of the inhabitants of that district, and other concerned in the repartition of grant to land and soil, I transmit to your hands six copies of the regulations I have made, and which are to be observed until his majesty decide otherwise. They are to be published in the ordinary mode, in which general orders of his

majesty concerning public welfare are done, and of which your worship will give me the corresponding notice. God preserve your worship many years. New Orleans, July 17th, 1799.

(Signed) JUAN VENTURA MORALES.

Sr. Commandant of St. Louis, Illinois.

LETTER H.

Con fha. de 1 de Diciembre del ano p. p. El Sr. Dn. Juan Ventura Morales, Intendte. Gral. de estas provincias me dice lo que Sique. "Con motivo del fallecimiento del Senr. Assesor de esta Intendencia, y no haver en la provincia letrado que supla su falta, he cerrado el tribunal pa. las dependencias y causas relativas a concesiones y composiciones de tierras realengas, pues al articulo 81 de la Rl. ordenanza de Yntendentes de Nueva España previene qua para substanciarse y concluirse haya de ser precisamente con dictamen de dtro. Ministro. participolo a Vmd. para que enterado de esta providencia, no admita informe ni remita memoriales en solicitud de tierras hasta nueva orden." Lo que traslado a Vm. para su conocimiento y pueda comunicarlo a los habitantes que tienen sus concesiones apeadas, y que solicitaren el titulo en forma de la Yntendencia a fin que esperen la *Nueva Orden* citada, en cuyo interin comprehendo pueden quedar en posesion segura de sus dhas. tierras. Ds. Gde. a Vm. Ms. anos. Sn. Luis de Illinois a 18 de Mayo de 1803.

CARLOS DEHAULT DELASSUS.

SN. DN. ANTONIO SOULARD.

LETTER H.—TRANSLATION.

By letter dated 1st December of the last year, Don Juan Ventura Morales, intendant general of these provinces, tells me as follows: "On account of the death of the assessor of this Intendency, and there not being in the province a learned man who can supply his place, I have closed the tribunal of affairs and causes relating to grants and compositions of royal lands, as the 81st article of the royal ordinance for the Intendants of New Spain provides, that for conducting that tribunal and substantiating its acts, the concurrence of that officer shall be necessary. I make this communication in order that, apprised of this providence, you may not receive, frame, or transmit memorials soliciting lands until further orders." I transmit you the above for your information, and you may communicate it to those inhabitants whose concessions have been surveyed, and who would solicit their title in form from the Intendency to the end that they will await the further order above mentioned. In the mean time I understand that they shall continue in secure possession of the said lands. God preserve, &c., at St. Louis of Illinois, 18th May, 1803.

CARLOS DEHAULT DELASSUS.

TO DN. ANTO. SOULARD.

LETTER J.

He recibido las Relaciones de Artilleria, Pertrechos, y enseres pertenecientes a su M. que V. S. ha conducido en los Barcos de la expedicion que evacciò los Dominios de la Alta Luisiana y de mi orden desembarcó V. S. en Baton rouge. Quedan tambien en mi poder los inventorios de las papeles que tienen coneaion con aquellos habitantes, y el de las demas documentos

y correspondencia de Gobierno que accompanaron a quel oficio. Del mismo modo estan en mis manos las diligencias que V. S. practicó para lograr la artilleria que se halla en el fuerte de Carondelet en la Nacion Osaje, y que no pudo consequir por entonces, que dandole la esperanza de que lo conseguiria Dn. Augusto Chouteau que se encargó de entregarla en el Puesto de Baton Rouge. Al acusar a V. S el recibo de este oficio, no puedo menos de manifestarle la satisfaccion que me ha causado el observar el particular zelo, y amor al servicio que ha distinguido la comandancia de V. S. en los Puestos de la Alta Luisiana, en que se ha interesado no tablemte. el bien estar de esos habitantes. Dios gue. a V. S. Ms. As. Nueva Orleans, 30 de Mayo de 1805.

EL MARQ. DE CASA CALVO.

Sr. Dn. Carlos Dehault Delassus.

Letter J.—Translation.

I have received the statement of the artillery, stores, and effects belonging and appertaining to his majesty, which you have brought away in the boats of the expedition for the evacuation of the domain of Upper Louisiana, and which, agreeably to my orders, were disembarked at Baton Rouge. I have likewise in my possession the inventory of the papers relating to the inhabitants, and other documents and correspondence of the government mentioned in your official letter.

I have likewise been informed of the steps which you have taken to procure the artillery of the fort of Carondelet in the Osage nation, and which you could not take down, leaving it with the hopes that Don Augusto Chouteau will attend to it, who has undertaken to deliver it at Baton Rouge.

In acknowledging the receipt of your official letter I cannot do less than to manifest to your lordship the satisfaction which I feel in observing the particular zeal and love for the service which has distinguished your command in the posts of Upper Louisiana, in which you have in so distinguished a manner interested yourself in the welfare of the inhabitants. God preserve your lordship many years. New Orleans, May 30th, 1805.

EL MARQUES DE CASA CALVO.

To Sr. Dn. Charles Dehault Delassus.

Letter K.

He visto las instrucciones que Vmd., en la creencia de que como Teniente de Gobernador de los establecimientos de Ylinueses debian estarle subordinados, los Ministros de Rl. Hacienda del Puesto de Nuevo Madrid, sugeto en lo militar, y civil a ese mando por el Sr. Gobernador difunto Dn. Manuel Gayoso de Lemos, formo para Gobierno del comandante Dn. Roberto Makay en su calidad de Subdelegado de la Yntendencia, y del Guarda Almacen Dn. Juan Lavallee, cuyas copias me incluio Vmd. en oficio de 30 de Junio ultimo, No. 59.

En su respuesta debo decir a Vmd. que siendo contra derecho que Vmd. Subdelegado transfiera sus facultades a otro y oponiendose a la regularidad del maneso que por relaciones se certifique lo que mo se ha presenciado, no puede ni Debe tener efecto lo providenciado por Vmd., con tanta mas razon quanto la Subdelegacion de la Yntendencia es lo cal, y que el Guarda Almacen no puede reconocer por immediato Gefe, a otro que al que exerce la Subdelegacion. En su virtud sin perjuicio de que el comandante Makay, o el

que le ha succedido se entienda con Vmd. en los asuentos civiles y Militares, y de que ocurran a Vmd. por las auxilios de Viveres y demas que necesite el Puesto, prevengo con esta fecha. al Capitan Dn. Enrique Leyroux, y al Guarda Almacen Dn. Juan Lavellée, que en nada dependen de Vmd. el primero como Subdelegado de esta Yntendencia, y el Segundo como Guarda Almacen, debiendo por consequencia hacer el servicio, y formalizarse los Documentos en los mismos terminos que quando Vmd. estaba de comandante del Puesto sin dependencia del Teniente de Gobernador de Ylinueses, y observando las Ynstrucciones que se proveyeron por esta contaduria pral. y demas orrs. de esta Yntendencia. Dios gue., a Vmd. muchos Anos. Nueva Orleans, 26 de Agosto de 1799.

JUAN VENTURA MORALES.

Sr. Dn. Carlos Dehault Delassus.

Letter K.—Translation.

I have seen the instructions which you, sir, (in the belief that that as lieutenant governor of the establishments of the Illinois, the officers of the royal treasury of the post of New Madrid, subject by order of the deceased governor, Dn. Manuel Gayoso de Lemos, to this command (that of New Orleans) must be subordinate to you,) have framed for the government of the commandant Don Roberto Mackay, in his quality of sub-delegate of the Intendency, and of the Magazine-keeper, Don Juan Lavallèe, copies of which instructions you inclosed to me in your official letter of the 30th of June last, No. 59.

In answer I must say, that it being contrary to law that one sub-delegate should transfer his powers to another, and it being opposed to the regularity of business that that should be certified upon report which is not present, the instructions given by you cannot, nor ought to have effect, and the more so inasmuch as the sub-delegation of the Intendency is local, and that the magazine keeper cannot recognize as his immediate chief any other than those who exercise the sub-delegation. For which reasons, without prejudice to the good understanding which the commandant Makay, or he who has succeeded him, shall have with you in civil and military matters, and to their recourse to you for the supplies of provisions and other things of which the post may have need, I inform by letter of this date the captain, Don Henrique Peyroux, and the Magazine-keeper, Don Juan Lavallee, that they are not subordinate to you, the first as sub-delegate of this Intendency, and the second as Magazine-keeper;—the service consequently being to be performed, and the documents to be drawn up in the same form as when you, sir, were commandant of that post, independently of the lieutenant governor of the Illinois, and observing the instructions which shall be issued from this royal treasury office, and also the other orders of this Intendency. God preserve your worship many years. New Orleans, 26th August, 1799.

JUAN VENTURA MORALES.

To Sr. Don Carlos Dehault Delassus.

Letter L.

Don Gilberto Leonard Tesorero de Exercito, Y Don Manuel Gonzalez Armires Ministros de Real Hacienda, Contador y Tesorero interinos que fuimos de las caxas Principales de la provincia de la Luisiana entiempo de la Dominacion Espanola, continuando en nuestros encargos hasta la entera conclusion de los asuntos de dhas oficinas.

Certificamos: consequente a Decreto del Sr. Yntendente Gral. interino que fue de esta Provincia de fha. de hoy, que el Sr. Coronel Dn. Carlos Dehault Delassus, comandte. que fue del Puesto de Nuevo Madrid, y Teniente de Gobernador del de Sn. Luis de Ylinueses con la Subdelegacion de Rl. Hacienda en ambos destinos, salio de esta capital a principios de 1796, y tanto este viage como los demas que ha hecho para asuntos del servicio han sido á sus expensas, sin que en todo el tiempo que ha permanecido en dhos destinos hasta el nueve de Marzo del ano. p. p. que entrego dhos puestos a las comisarios de los Estados Unidos de America, se lo haya abonado por estas Reales Caxas sobresueldo, ni gratification alguna, habiendola disfrutado en el Nueva Madrid sus antecesores los capitanes Dn. Pedro Foucher, y Dn. Thomas Portell y en el de Ylinueses quando fue ally comisionado el Teniente Coronel Dn. Carlos Howard, por razon de los mayores gastos que se originan en dtros. destinos y de valer todo doble mas caro que en esta cindad, y Puestos inmediatos. Y para que conste a pedimiento del mismo Coronel Dn. Carlos Dehault Delassus, y envirtud del referido Decreto Damos la presente en la Nueva Orleans a veinte y siete de Junio de mil ochocientos cinco.

GILBERTO LEONARD.
MANUEL ARMIREZ.

LETTER L.—TRANSLATION.

We, Don Gilberto Leonard, treasurer of the army, and Don Manuel Gonzalez Armirez, ministers of the royal treasury, and formerly accountant and treasurer ad interim respectively, of the province of Louisiana, during the Spanish government, continuing our functions until the entire conclusion of the affairs of said departments; do certify, That in pursuance of a decree of the Sr. intendant general ad interim, the Sr. colonel Charles Dehault Delassus, formerly commandant of the post of New Madrid, and lieutenant governor of St. Louis of the Illinois, with the sub-delegation of the royal treasury in both situations (con la subdelegacion de real hacienda in ambos destinos,) quitted the capital in the beginning of the year 1796; and that as well in that voyage as in others which he made for affairs of the royal service, were made at his own expenses, and that during the whole time he remained in both places until the ninth of March of the last year, when he remitted said posts to the commissioners of the United States of America, no compensation or gratification were allowed to him, although they had been allowed to his predecessors the captains Dn. Peter Foucher and Dn. Thomas Portell, and likewise in the post of Illinois when the commissioned, the lieutenant colonel Dn. Charles Howard went up, and that on account that the expenses in those places were greater, and the price of articles double than in this city or its immediate posts. And in order that this may authentically appear in favor of the said colonel Don Charles Dehault Delassus, and in virtue of the before recited decree, we give the present certificate at New Orleans, 27th June, 1805.

GILRERTO LEONARD.
MANUEL ARMIRES.

LETTER O.

J. Bte. Janis claims to hold four hundred arpens of land situated in the district of Ste. Genevieve, on the river Establishment, granted him by Don

Carlos Dehault Delassus, on the 15th day of November, A. D. 1800. "Concession:" "A Dn. François Valle, Capitaine de Milice, et comandt. Civil et Militaire du Poste de Ste. Genevieve: A l'homeur de vous exposer très humblement, le Sr. Jean Bte. Janis, qu' etant depuis long-tems Domicilie et habitant du Poste de Ste. Genevieve, il n'aurait encore demande aucune concession de terre, desirant aujourd hiu participer avec les autres habitans de ce Poste aux bien faits de S. M. C. il espere de votre justice que vous voudrez bien luì accorder en concession pour lui ses hoirs au ayant causes, une certaine partie de terre située Jans le District de Ste. Geneviéve, bornée au S. par la rivierre de l'Establissement, à l'O. par les terres de Mr. Bte. Vallé, a l'E. par celle de M. François Moreau, et au N. par le Domaine de S. M. ladite ayant 12 arpens de face, sur la dite revierre, 20 en profondeur, ce qui forme une superficie d'environ 250 arpens, la dite actuellement non concédée, le suppliant chargé d'une nombreuse famille, et ayast des esclaves et beaucoup d'animaux. Ose esperer que vous le jugerez digne de cette grace, quoi faisant il ne cessera de faire des voeux pour la conservation de vos jours. A Ste. Geneviéve le 10 Novembre de 1800.

(Signé) BAPTISTE JANIS.

Ste. Geneviéve le quinze Novre. 1800.—Vu la requète, nous la renvoyons pardevant M. le Lieut. Gouverneur pour en ordonner, lui observant que le demandeur a les qualités requises pour rempler ses demandes.

(Signé) FRANCOIS VALLE.

Enconséquence du Décrèt cy dessus, permettons au suppliant de s'établir *provisoirement* a charge a lui demander sa concession à monseigneur l'intendant, selon qu'el est prescrit par les réglements.

(Signé) CHARLES DEHAULT DELASSUS.

Pour. copie conforme a l'original remis à M. J. Bte. Janis.

(Signe) FRANS. VALLE.

LETTER O.—TRANSLATION.

To Don Francis Valle, captain of militia, and commandant civil and military of the post of Ste. Genevieve: John Baptiste Janis has the honor to represent that he resides as an inhabitant of Ste. Genevieve since a great length of time, that he has not yet demanded any grant to land, but being desirous to participate with the other inhabitants of this post to the benefit of his majesty, he hopes of your justice that you will be pleased to grant him a concession, for him, his heirs, and assigns, to a certain tract of land situate in the district of Ste. Genevieve; bounded southwardly by the river Establishment, westwardly by lands of M. Baptiste Vallee, eastwardly by lands of M. François Moreau, and northwardly by the domain of his majesty. The said tract being about 12 arpens fronting the said river by 20 arpens in the rear, which would form a superficies of about 250 arpens, said land not being as yet granted to any body. The petitioner being the head of a numerous family, owner of slaves, and large quantity of cattle, hopes that you will find him worthy of this favor; in so doing your petitioner will ever pray. Ste. Genevieve, November 10th, 1800.

(Signed) BAPTISTE JANIS.

Ste. Genevieve, November fifteenth, 1800.—Seeing the above petition, let it be forwarded to the lieutenant governor to order on the same; observ-

ing that the petitioner possesses the requisite qualifications to comply and fulfil his demands.

(Signed) FRANCOIS VALLE.

In consequence of the above decree, leave is given to the petitioner to establish himself provisionally under the condition and charge on his part to demand his concession to his lordship the intendant according to the provision of the regulations.

(Signed) CHARLES DEHAULT DELASSUS.

Copy conformable to the original delivered to M. Jean Bte. Janis.

(Signed) FRANS. VALLE.

LETTER P.

Tuesday, October 13th, 1807.—On application of a claimant the board met by common consent. Present, the honorable Clement B. Penrose and Frederick Bates. David Fine claiming five thousand and forty acres of land situate on the river Matiss, produce in support of said claim a plat of survey, dated the 25th February, 1806, and certified to be received for record by Anthony Soulard, February 28th, 1806.

Philip Fine being duly sworn, says, that speaking with the Spanish lieutenant governor, Mr. Delassus, early in the year 1802, on the subject of settling on vacant land, was informed by said lieutenant governor that no concessions could be granted at that time, but that any person coming to the country might settle on vacant land; that his brother, the claimant, arrived shortly after in Louisiana, and was informed by him, the witness, of what had passed between him and the lieutenant governor; in consequence of which his brother settled on the land claimed in the year 1803, built a cabin and raised a crop that year, and has inhabited and cultivated the same ever since, and had at that time a wife and six children.

I, Theodore Hunt, recorder of land titles in the state of Missouri, do hereby certify that the foregoing transcript, consisting of twenty-five lines and parts of lines, is faithfully copied from the record of the proceedings of the board of commissioners for ascertaining and adjusting titles and claims to land in Missouri, as will appear by reference to book 3, page 94, in my office. Given at my office at Saint Louis, the 25th of November, A. D. 1824.

(Signed) THEODORE HUNT.

LETTER Q.

DN. ANTONIO SOULARD.—No. 8.

Nota.—Situee a environ 15 milles a l' O. du Mississipy et a 70 dans le N. de St. Louis. Arpentee par le Snt. Arpenteur Dn. Santiago Rankin du 20 Fevrier 1804 en vertu du Decret du Lnt. Geur. Dn. Zenon Trudeau en datte du 20 Avril, 1796.

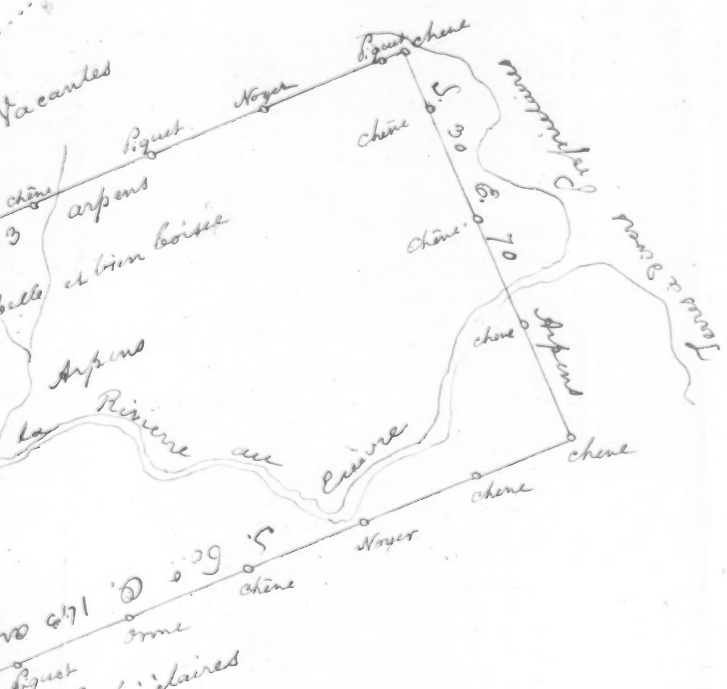
Certificat d' arpentage expedie du 8 Mars, 1804.

[Here follows a copy of the Plat, for which see opposite page.]

I certify the above to be a true copy of the original records in my office.

(Signed) WM. RECTOR.

November 3d, 1817.


Piquet chêne
Noyer
chêne
Piquet
3 arpens
Belle et bien boisée
Arpens
Rivière aux Castors
S. 30 E. 70
chêne
Arpens
chêne
chêne
chêne
Noyer
S. 29 E.
chêne
Piquet
Propriétaires
Fonland 38

S. 55 E. 40 arp.
Pte Martin
N. 35 E. 20 arp.
Piquet
143
N. 60 E
Terre generalement
10,000
Branche de
Piquet
Piquet
Noyer
Noyer
Noyer
Terres à divers

LETTER Q.—TRANSLATION.

Nota.—Situated about 15 miles westwardly of the Mississippi, and about 70 miles northwardly of St. Louis. Surveyed by the deputy surveyor, Don James Rankin, on the 20th February, 1804, by virtue of a decree from the lieutenant governor, Don Zenon Trudeau, bearing date the 20th April, 1796. Certificate of survey delivered March 8th, 1804.

LETTER R.

Dn. Manuel Gayoso de Lemos, Brigadier de los Reales Exercitos, Gobernador General, Vice Patrono Real de la Provincias de la Luisiana, y Florida Occidental; Inspector de las tropas veteranas y Milicias de ellas.

Por quanto se hace necesario nombrar para qe. sirva el empleo de teniente Gobernador de los Establecimientos de Ylinoa que debe vacar por ascenso del Tente. Corl. Dn. Zenon Trudeau, que lo obtiene a capitan de Granaderos, deviendo recaer la Eleccion en oficial de acreditado talento militar, distinguido amor al servicio, y celo por el bien estar, tranquilidad y defensa de dhos. establecimientos. Por tanto concurriendo estas precisas calidades en el Tente. Corl. Dn. Carlos Dehault Delassus, lo Elixo y nombro para que sirva el citado empleo de Tente. Gobernador de los nominados Establecimientos de Ylinoa por el tiempo de tres anos. a voluntal del Gobierno y mientras sus servicios exijar su existencia alli. Mando a los senores oficiales, comandantes, y empleados de dhos. puestos asi como a los Habitantes de ellos le guarden todas las honras, exempciones, y privilegios que le corresponden, obedeciendo las ordenes que por escrito o de palabra diere del real servicio, por combenir asi a este y al bien general de aquel remoto distrito. Dado el presente, firmado de mi mano sellado con el sello de mi armas, y refrendado por el infras crito Comisario de Guerra honorario Secretario por S. M. de este Gobierno. En la Nueva Orleans a Venite y quatro de Febrero de mil setenientos noventa y nueve.

(Signed) MANUEL GAYOSO DE LEMOS.
(Signed) ANDRES LOPEZ ARMESTO. [L. S.]

V. S. nombra por Tente. Gobernor. de los Establecimientos de Ylinoa al Tente. Corl. Dn. Carlos Dehault Delassus.

LETTER R.—TRANSLATION.

Don Manuel Gayoso de Lemos, brigadier of the royal armies, governor general, vice patron royal of the provinces of Louisiana and Western Florida, and inspector of the troops and militia thereof.

Whereas it becomes necessary to appoint to the office of lieutenant governor of the establishments of Illinois, which place will become vacant by the promotion of the captain of grenadiers, Don Zenon Trudeau, to that of lieutenant colonel, and that as at this election a choice ought to be made of an officer of accredited military talents, distinguished love for the royal service, and zealous for the welfare, tranquillity, and defence of those establishments; And whereas those qualifications are united in the lieutenant colonel, Don Charles Dehault Delassus, I have elected and appointed him to serve in said office of lieutenant governor of said establishments of Illinois for the term of three years, during the pleasure of the government, and until his services shall require his presence here. I do hereby command every officers, commandants, and employees of the posts aforesaid, and also the

inhabitants, to render the honors, exemptions, and privileges to him appertaining, to obey the orders, either written or verbal, which he will give relating to the royal service. It agreeing with the public good of this and those remote districts. Given under my hand and the seal of my arms, and countersigned by the undersigned commissary of war, and secretary of this government for his majesty. New Orleans, this 24th day of February, 1799.

MANUEL GAYOSO DE LEMOS,
ANDRES LOPEZ ARMESTO. [L. S.]

LETTER S.

A Monsieur le Lieutenant Gouverneur de la partie Occidental des Illinois. Monsieur: Regis Loisel, Negotiant de cette ville á l'houneur de vous exposer que desirant former une etablissement, sur une terre non concedè qui se trouve borne par un cote par Nicolas Lecomte, de l'autre cote par un petit lae connu sous le nom de Marais Croche, pardevan par le Missouri, en profondeur jus qu' a trente arpens sur les cotes qui me borneron, et qu' il cultiveras directement au indirectement. Et vous supli en consequence de liu accorder sa demande. Il necessera de prier pour l'accomplissement de votre bonheur. St. Louis le 18 Nobre. 1796.

REGS. LOISEL.

St. Louis, 19 Novembre, 1796.—L'arpenteur de cette Juridiction, Don Ante. Soulard, mettra, Mr. Loiselle en possession du terrein vacant, entre la terre du nomme Nicolas Lecomte et le fer a cheval pour apres en constate la cantite par san arpentage en delivrer la concession en forme.

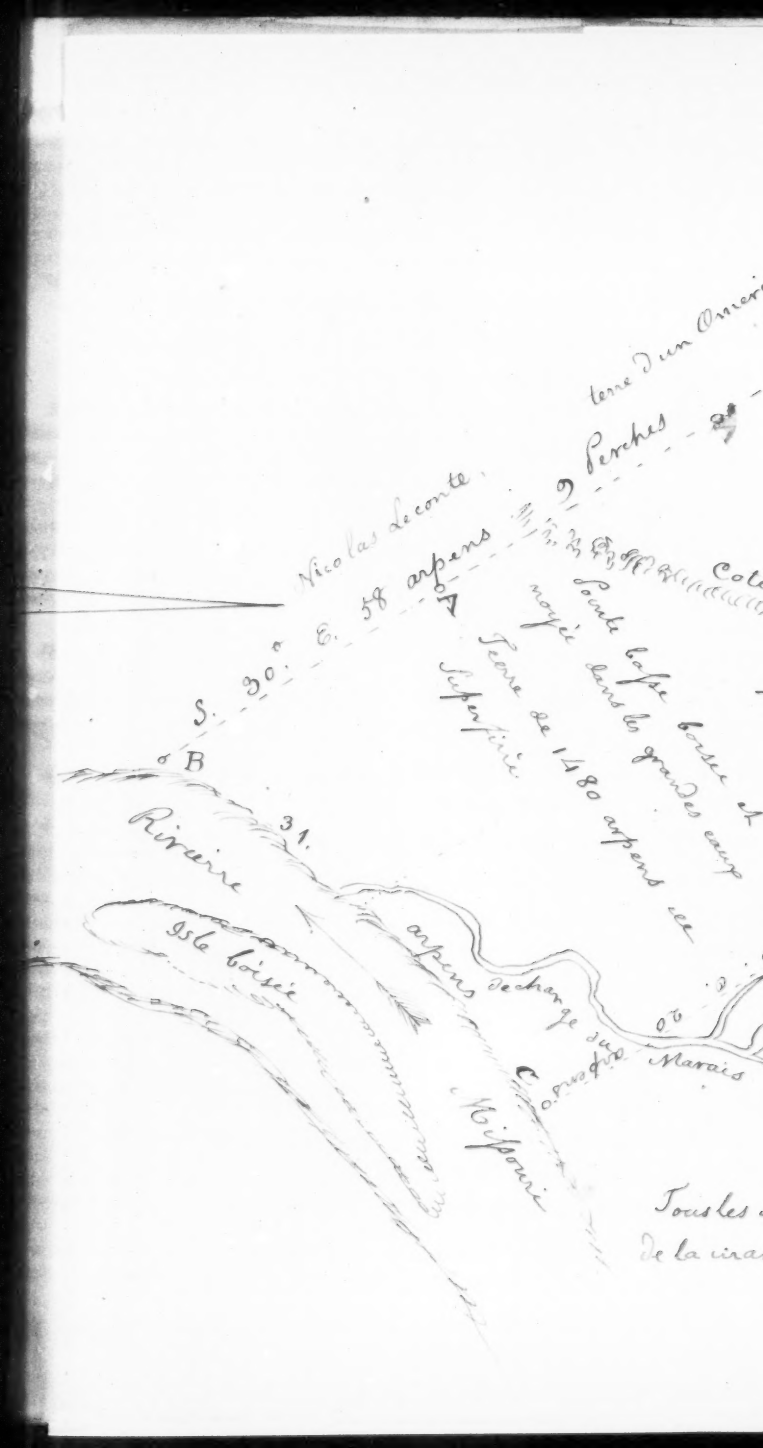
ZENON TRUDEAU.

Haute Louisiane, District de St. Louis des Illinois. L. B. Fo. 16. No. 119.

Nous Soussignes arpenteur Commissionne parle Gouvernement, certifions a tous ceux a qui el appartiendra, qu' aujourd hui 26 Janvier 1797, en vertu de l'ordre de Monsieur le Lnt. Gouveur. en datte du 19 Novembre 1796, nous nous sommes transportes sur la terre du Sr. *Regis Loisel*, pour faire le mesurage et arpentage d'une terre a lui accordee de trente et un arpens de face sur 58 arpens 9 perches de profondeur sur une ligne, 27 arpens 8 perches sur la ligne de traverse sur la profondeur, et de 49 arpens 13 perches sur la ligne qui vient joindre la rivierre Missoury, laquelle terre contient 1480 arpens de Superficie. Laquelle mesure a ete faite en presence du proprietaire et des voisins limo trophes, avec la perche de la ville de Paris de dix huit pieds de Roy de longueur suivant l'usage et la coutume de cette Colonie, laquelle terre se trouve situee a environ 24 milles de distance, et restante dans le O. S. O a peu près de cette ville, limitée d'un cote par les terres des Sieurs Nicolas Lecomte, et celle d'un Ameriquain, sur la profondeur a tenante aux terres vacantes et du Domaine de S. M. sur l'autre cote bornee en partie par une torre du Sr. Hyacinthe St. Sire, les bords du Marais de Crevecœur, et le reste aux terres vacantes, bornee sur la face par la revierre Missoury. Et pour qu'il puisse constator, nous avons d'elivre le present avec le plan figuratif qui l'accompagne, au nous avons marques les bornes naturelles et artificielles, &c. St. Louis des Illinois de 26 Janvier 1797.

ANTONIO SOULARD.

Don Manuel Gayoso de Lemos, Brigadier de los Reales Extos, Gober-


terre d'un Orme
Nicolas Leconte
9 Perches
E. 58 arpens
S. 30°
Colo
Sonde basse bordée
noyée dans les grandes eaux
Terre de 1480 arpens en
Superficie
B
31.
Riviere
956 toises
arpens de charge sur
Marais
Gilpart
Tous les
de la riv

A. bornes de pierres, temoins de marche fer
B. Cotonier, bornes naturelles
C. 1 cotonier 1 bois inconnu
D. Petit murier
E. Frêne
F. Noyer

les arbres qui sont dans les hegnes sont marqués
marque du Propriétaire — R.x L.

nador General, Vice Patrono Real de las Provincias de la Louisiana y Florida Occidental, è Ynspector de las tropas veteranas y Milicias de ellas, &c.

Vistas las antecedentes diligencias practicadas por el agrimensor particular de los Establecimientos de Ylinois Dn. Antonio Soulard, sobre la posesion que ha dado a Dn. Regis Loisel de la cantidad de mil quatro cientos arpanes de tierra de Superficie, situados a como veinte y quatro millas de distancia al O. S. O de la villa de Sn. Luis, lindando de un lado con tierras de Nicolas Lecomte y las de un Americano, al fondo con tierras vacantes y del Dominio de S. M. de otro lado en parte con tierras de Jacinto St. Sire, con la orillas de la Laguna elamada vulgarmente de *Crevecœur*, y lo restante con tierras vacantes, y limitada por el Rio Missoury al frente, como lo demuestra el plano figuratibo que antecede; y reconociendo estar reglado al orden de Agrimensura, y á las concesiones de los antedichos circunvecinos, sin que a estos se les cause per juicio alguno mi que le hayan reclamado, y si bien consentido, segun justificia su asistencia a dhas. operaciones, aprobandolas como las aprobamos: Usando de la facultad que el Rey nos tiene concedida, otorgamos en su real nombre al susodho. Dn. Regis Loisel los referidos mil quatro cientos y o chenta arpanes de tierra de superficie, para que como sciyos propias dispongo de ellos y los usufrute, arreglandose a los mencionadas diligencias, y observando las condiciones prevenidas por el reglamento del asunto. Damos el presente firmado de nuestra mano sellado con el sello de nuestras Armas, y refrendado por el infrascrito secretario por S. M. de este Gobierno, en la Nueva Orleans a primero de Marzo de mil setecientos Noventa y ocho.

MANUEL GAYOSO DE LEMOS. [L. S.]

Por mand. de Su Sria,

ANDRES LOPEZ ARMESTO —Reg.

LETTER S.—TRANSLATION.

To the lieutenant governor of the western part of Illinois. Sir: Regis Loisel, merchant of this town, has the honor to expose to you, that desiring to establish a tract of vacant land, situate and bounded on one side by lands of Nicholas Lecomte, on the other side by a small lake commonly called (Marais Croche,) on the front by Missouri river, and on the rear as far back as thirty arpens to the hills, which will limit the same; and that he will either directly or indirectly cultivate it. In consequence he prays you, sir, to grant him his demand. He never will cease to pray for the accomplishment of your happiness. St. Louis, November 18th, 1796.

REGIS LOISEL.

St. Louis, November 19th, 1796.

The surveyor of this jurisdiction, Don Anthony Soulard, will put Mr. Loisel in possession of the vacant land between the lands of the within named Nicholas Lecomte and the (fer a cheval) *horse shoe*, in order that he may verify the quantity by survey, and deliver the title of concession in form.

ZENON TRUDEAU.

[Here follows a copy of the plat, for which see opposite page.]

We, the undersigned, commissioned surveyor by the government, certify to all whom it may concern, That on this 26th day of January, 1797, by

virtue of the order of the lieutenant governor, bearing date November 19th, 1796, personally went on the land of Regis Loisel to make the measurement and survey of the tract of land granted to him of thirty-one arpens in front by 58 arpens and nine perches on the rear, on a line of 27 arpens 8 perches of the cross line of the rear, and 49 arpens 13 perches on the line which run to and joins the river; which tract contains 1480 arpens in superficy, which measurement was made in the presence of the proprietor and the adjoining neighbors, with the perche of the city of Paris of eighteen French feet long, according to the custom used in this colony; which land is situate about 24 miles W. S. W. of this town, bounded on one side by lands of Nicholas Lecomte and lands of an American, on the rear by vacant lands, on the other side in part by vacant lands and lands of Hyacinthe St. Cir, and borders of Marais Crevecœur and vacant lands, and on the front by river Missouri; and to the end that the same be made known, we have delivered him these presents, with the accompanying figurative plat of survey, on which we have marked and noticed the artificial and natural boundaries, &c. St. Louis of the Illinois, January 26th, 1797.

ANTHONY SOULARD.

Don Manuel Gayoso de Lemos, brigadier of the royal armies, governor general, vice patron royal of the provinces of Louisiana and Western Florida, and inspector of the troops and militia thereof, &c.:

Having examined the diligence made by Anthony Soulard, surveyor of the establishments of Illinois, on the possession by him given to Don Regis Loisel, of the quantity of one thousand and four hundred arpens of land, superficial measure, situate about twenty-four miles W. S. W. from the town of St. Louis, bounded on the one side by lands of Nicholas Lecomte and lands of an American, on the rear by lands of the king's domain, on the other side in part by lands of Hyacinthe St. Cir and the borders of the lake commonly called Crevecœur, and also in part by vacant lands, and bounded by the river Missouri on its front, as appears by the preceding figurative plat of survey; and acknowledging that the same is made conformable to the rules of survey, and to the grants (or concessions) of the adjoining neighbors, and that it does not prejudice them, nor laid any claim against it, but have given their consent to it by their assistance in the surveying thereof; approving the same as we do approve it. Using of the faculty in us vested by the king, we do grant in his royal name to Don Regis Loisel the aforementioned one thousand four hundred and eighty arpens of land in superficy, in order that as his own property he may dispose and enjoy the same, observing the conditions provided by the regulations on that subject. Given and delivered by us, and signed with our hands, and sealed with the seal of our arms, and countersigned by the undersigned secretary of the government for his majesty. New Orleans, this first day of March, one thousand seven hundred and ninety-eight.

MANUEL GAYOSO DE LEMOS. [L. S.]

By his Lordship's command.

ANDRES LOPEZ ARMESTO—Recorded.

LETTER T.

Luisiana Alta, Sn. Luis de los Ylinois.

Don Antonio Soulard, Agrimensor, de los Establecimientos Occidentales de Ylinois—

Certifico, que el cinco de Febrero, del presente ano. (envirtud del decreto que antecede del Sr. Dn. Zenon Trudeau, Teniente de Gobernador de estos Establecimientos) me he transferido a la tierra de Dn. Santiago de Lassus Sn. Vrain para tomar en ella las medidas de Agrimensura arreglado á su pedimiento de nueve cientos arpanes de superficie con defalcacion de las partes cer canas al rio, sugeta a desmonarse y otras que deben ser consideradas como banco de Arena, cuyas medidas se hantomado en presencia del proprietario y de los vecinos linderos, con la medida de Paris de diez y ocho pies de Rey de largo Segun Constumbre adoptada en esta Provincia de la Luisiana, cuya tierra se halla situada en el Norte, y como a onze millas de esta Villa de Sn. Luis, lindando por el lado del Norte con la tierra de Luis Brazeaux y el Dominio Rl. por el sud con la de Juan Graham y dho. Domo. Rl. por el Este al Domo. Rl. y por el Veste el Rio Misisipi, y para que conste donde combenga le doy el presente con el plano figuratibo que precede en el qual se indica las dimensiones y limites naturales y artificiales de dicha tierra, en Sn. Luis de Ylinois a ocho de Marzo de mil setecientos noventa y nueve.

ANTONIO SOULARD.

Dn. Antonio Soulard, Agrimensor particular de todos los Establecimientos de la Luisiana Alta, a pedimiento del interesado y en cumplimiento del arto. 16 de la instruccion del Sr. Yntendente, certifico á quien corresponde que el plano y certificacion de apeo antecedentes son en tado conformes a los originales, formados con fha. de 8 de Marzo del ano de 1799, y al registro del dho. plano depositado en el archiro de apeo de mi cargo. Sn. Luis de Ylinois 17 du Junio de 1802.

ANTONIO SOULARD, Agor. Par.

Certifico: que el plano antecedte. y relacion que precede e sigual en todas sus partes al que esta presentado en el expediente sobre la consesion de nueve cientos arpanes de tierra hecha a Dn. Santiago de Lassus St. Vrain. Nueva Orleans, a viente y ocho de Abril de mil ocho cientos dos.

CARLOS XIMENES.

Dn. Juan Ventura Morales, Contador pral. de Exto. Yntendente interino de Rl. Hacienda de estas Provincias de la Luisiana y Florida Occidental, Superintendente Subdelegado, Juez de arribadas, de tierras y solares realengos:

Por quanto habiendose presentado en este tribunal Dn. Antonio Soulard, a nombre de Dn. Santiagò Delassus St. Vrain, Capitan de las Milicias de Sn. Luis de Ylinois, representando que habiendo obtenido este del Teniente Gobernador de a quel partido una concesion de ocho cientos arpanes de tierra por Decreto de seis de Diziembre de mil setecientos noventa y ocho situado sobre este Rio Misisipi y en el Distrito referido de Sn. Luis, como a once millas de la Villa acia al Norte, lindando por este lado con tierras de Dn. Luis Brazeaux, y del Dominio Rl. por el sur con las de Juan Graham, y realengas, y por el Este tambien con tierras vacantes, solicitaba se le despachase el titulo correspondte. segun que lo referido se acredita de las diligencias practicadas que presentè con el plano figuratibo, de la medida, deslinde y amojonaniento que practico el mismo Dn. Antonio Soulard, por disposicion del mismo Teniente Gobernador in cluyendo en la operacion nueve cientos arpanes de superficie, por los motivas que profuso y aque merremito. Y habiendo mandado dar vista al Sr. fiscal de Rl. Hacienda

como de su respuesta no resultas contradicion por auto asesorado del veinte y tres del corrte. dispute se librase al nominado Dn. Santiago Delassus Sn. Vrain el titulo de los consabidos nueve cientos arpanes de tierra comprehendidos en el citado mapa o plano contentivo de la medida practicada. Por tanto, y usando de la facultad cometida a esta Yntendencia, en numbre del Rey, nro. Sr. (Dios le gue.) ratificando como ratifico la indicada concesion hecha por el expresado Teniente Gobernador, y a provando la medida efectuada, concedo al memorado Dn. Santiago Delassus St. Vrain, Capitan de la Milicias de Sn. Luis, entero y directa dominio a los nueve cientos arpanes de tierra de superficie de que se ha tratado segun los rumbos, distancias, y linderos figurados en el expuesto plano, y en el parage de su cituation para si y sus succesores, para que como dueno. legitimo los pueda usar, disponer de ellos y enagenarlos a su voluntad, dandole poder para que continue en la posesion en que esta, y en laque lo pongo y am paro sin per juicio de tercero que mefor dro. tenga. Con la calidad y condicion, que asi el nominado Capn. de Milicias Dn. Santiago de Lassus St. Vrain, como sus succesores en la tierra que se le ha mercedado, sin interes, ni contribucion alguna a favor de la Rl. Hacda. hayan de observar y cumplir lo dispuesto en los articulos tercero, quarto, sexto, septimo y noveno de la Ynstruccion que con fecha de diez y siete de Julio de mil, setecientos noventa y nueve, formo y publico esta Yntendencia, conforma al local, calidad y circumstancias de la tierra concedida, y de que impondra para su inteligencia, y no alegar ignorancia, baxo las penas impuestas, en caso de contravencion. Mediante lo qual mande librar el presente, firmado de mi mano, sellado con el de mis armas y refrendado de in frascrito escribano de Rl. Hacda. quien, como la contaduria pral. tomará la razon segun esta dispuesto. Dado en la Nueva Orleans a veinte y ocho de Abril de mil ochocientos dos.

JUAN VENTURA MORALES. [L. S.]

Por mdo. del. Sr. Intendante,
CARLOS XIMINES.

Queda tomada razon del titulo antecedte. desde buelta de 38 a la sigte. y 40 del libro de ellos de mi cargo. Nueva Orleans, fha. ut supra.

XIMENES.

Tomose razon en la contaduria pral. de exto. del ministerio de Rl. Hacienda de entro. cargo del antecedente titulo a la buelta de foxas 98 y siguiente. Nueva Orleans, veinte y ocho de Abril de mil ochocientos dos.

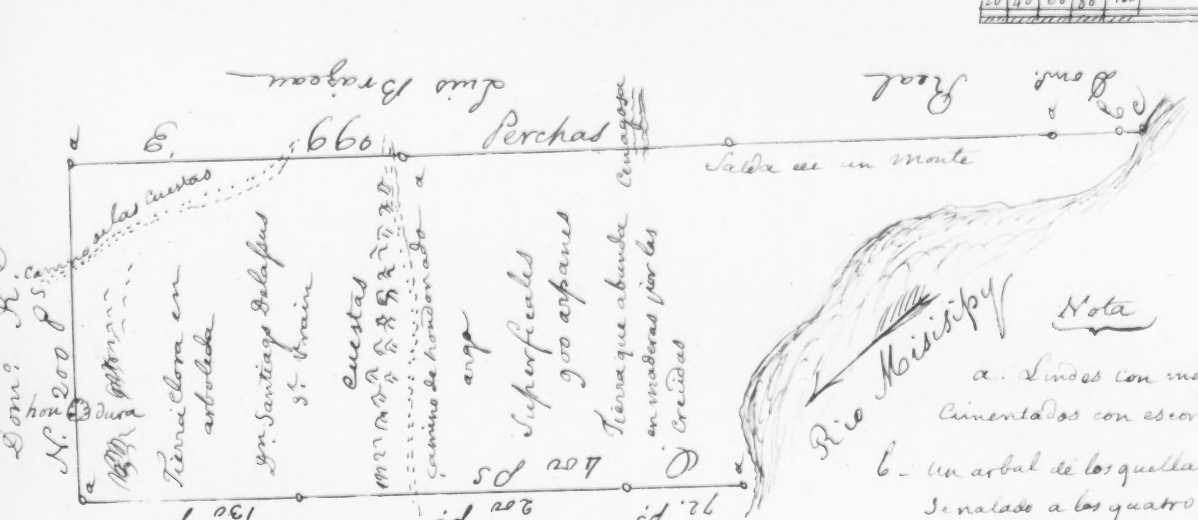
GILBERTO LEONARD.
MANUEL ARMIREZ.

LETTER T.—TRANSLATION.

Upper Louisiana, St. Louis of the Illinois.

[Here follows a copy of the Plat, for which see opposite page.]

Don Anthony Soulard, surveyor of the western establishments of Illinois, do certify, that on the fifth day of February, of this present year (by virtue of the preceding decree of Don Zenon Trudeau, lieutenant governor of these settlements,) I personally went on the land of Don Jacques Delassus St. Vrain to make the measurement of survey of the same, conformable to his demand, of nine hundred arpens in superficy, with defalcation of those



Los arboles de los Limites estan señalados

fo 5 del Libro A. Nro 8.

parts which ought to be considered as bank of sands near the river, and subject to overflow, which measurement has been made in presence of said St. Vrain, and adjoining neighbors with the measure of Paris of eighteen feet long, according to the custom of this province of Louisiana—which land is situate northerly and about eleven miles from this town of St. Louis, bounded northerly by lands of Louis Brazeaux and king's domain, south by lands of John Graham and king's domain, east by king's domain, and west by river Mississippi. And in order that the same may be known to all whom it may concern, I have delivered him these presents with the above plat of survey in which the dimensions and natural and artificial boundaries are marked. St. Louis, Illinois, March 8th, 1799.

ANTONIO SOULARD.

Don Anthony Soulard, surveyor particular of all the establishments of Upper Louisiana, at the request of the interested, and in conformity to the 16th article of the instruction of the intendant, I certify to all whom it may concern, that the above plat and certificate of survey are all in their parts conformable to the originals made under date of the 8th of March, 1799; and to the record of the said plat remaining in the office under my charge. St. Louis, June 17th, 1802.

ANTONIO SOULARD.

I certify that the above plat and certificate is, in all its parts, conformable to the one presented with those that are necessary on that subject, and that this contains nine hundred arpens granted to Don Jacques Delassus St. Vrain. New Orleans, April 28th, 1802.

CHARLES XIMENES.

Don Juan Ventura Morales, contador principal of the royal armies, intendant pro tem. of the royal finances of the provinces of Louisiana and Western Florida, superintendent sub-delegate, judge of arrivals, of lands, and royal soil.

Whereas Don Anthony Soulard, in the name of Don James Delassus de St. Vrain, captain of the militia of St. Louis of Illinois, appeared before this tribunal and represented that said St. Vrain had obtained from the lieutenant governor of those country a concession of eight hundred arpens of land, by decree of the sixth December, one thousand seven hundred and ninety-eight, and situate on river Mississippi, in the aforesaid district of St. Louis, about eleven miles northwardly from the town, bounded on the north side by lands of Louis Brazeaux and vacant lands, on the south by lands of John Graham and vacant lands, and eastwardly by vacant lands; and soliciting that the corresponding title, conformably to the survey laid by him before this tribunal, with the figurative plat, and in conformity with the measurement, lines, and boundaries made by the same Anthony Soulard, pursuant to the decree of the same lieutenant governor; and which survey contains nine hundred arpens in superficy, as appears by the document to which I refer, be delivered to him. And having ordered the fiscal of the royal finances to examine the same, and as from his answer no objection is made, as appears by his act of the twenty-third instant, by which he disposed that the title be delivered to the aforenamed Don James Delassus St. Vrain, of the conceded nine hundred arpens of land included in the aforesaid map or plat, conformably to the measurement of the same. Therefore, and using of the faculty vested in this intendency, and in the name of the king our

lord (whom God preserve,) ratifying as I do ratify and approve the said concession made by said lieutenant governor, and approving the measurement made, I do grant to said Don James Delassus de St. Vrain, captain of the St. Louis militia, entire and direct domain to the nine hundred arpens of land in superficy herein mentioned, conformably to the rhumbs, distances, and boundaries described in the said plat, and in the place where the same is situated, in order that himself and his successors, as lawful owners, may use, dispose, and enjoy the same at their will and pleasure, giving him power to remain in possession of the same as he now is, and into which I place him and put him, without prejudice of a third who may have a better right, under the condition that—as well the said named captain of militia, Don James Delassus St. Vrain, or his successors, on the said land which has been given to him without any interest, fee, or any contribution whatever in favor of the royal finances—they are to observe and comply, and conform with the contents of the third, fourth, sixth, seventh, and ninth articles of the instruction made and published by this intendency, bearing date July 17th, 1799, conformably to the locality, quality, and circumstances of the land hereby granted, and of which he is to take notice, and not to allege or plead ignorance, under the penalties imposed on the same in case of contravention. In consequence of which, I have ordained these presents to be delivered to him, signed with my hand, sealed with my seal of arms, and countersigned by the undersigned scrivener of the royal finances, who, with the contadory principal, shall take cognizance of these dispositions. Given at New Orleans, the twenty-eighth day of April, one thousand eight hundred and two.

JUAN VENTURA MORALES. [L. S.]

By order of the Intendant,
CHARLES XIMENES.

In the office under my charge I have recorded the aforegoing title, from page 30 to the following page 40, in the book of this office, date above.
XIMENES.

Knowledge was taken in the contadory principal of the ministry of the royal finances under our charges of the within title, and recorded page nine and following. New Orleans, April twenty-eighth, one thousand eight hundred and two.

GILBERTO LEONARD,
MANUEL ARMIREZ.

LETTER U.

Haute Louisiane 1796. District de St. Louis des Illinois.

Nous Soussignè Capne. de Milice de S. M. C. arpenteur Commissioné par le Gouvernement pour le District de St. Louis et de la Nouvelle Madrid; qu'aujourd hiu en vertu de l'ordre de Don Zenon Trudeau Lnt. Col. Capne. an Regiment Fix de la Louisiane et Lieut. Goveur. de la dite partie Occidentale des Illinois. Nous nous sommes transportés sur la terre du Sr. Charles Gratiot negociant et habitant de cette ville pour en faire le mesurage et arpentage d'une terre a lui concédée (por Mr. François Cruzat ci-devant Lnt. Geur. de cette partie Occidentalle des Illinois en datte du 4 Février 1785) de 84 arpens de face sur 80 de profondeur au de 6720 arpens de superficie, laquelle mesure a été faite en presence du propriétaire, avec la

perche de la ville de Paris de dix huit pieds de Roy de longueur, suivant l'usage et la coutume de cette colonie, laquelle se trouve située au bout des terres de quarante arpens qui commencerit á lo Barriére dite a Denoyers, laquelle est distante de cette ville d'une lieue et demie a peuprès, la dite terre restante Jans le S. O. ¼ O dudit fort St. Louis de cette ville et limitée sur sa fasse par les terres de divers particuliers, laquelle a été bornée par vingt arpens de distance avec des bornes de pierres en foucées en terre d'un pied environ et de la hauteur de trois pieds au moins, tous les arbres qui se trouvent dans les lignes du proprietaire ont ete plaques ete marques de sa marque C. G. et pour qu'il puisse constater nous avons delivre le present avec le plan figuratif qui l'accompagne ou nous avons marque les bornes naturelles et artificielles. St. Louis le 17 May 1796.

ANTONIO SOULARD.

Vu, Zenon Trudeau—Registrado en el Libo. A. Fo. 26 y 27. No 55.

Don Manuel Gayoso de Lemos, Brigadier de los Rs. Extos., Gobernador General, Vice Patrono Real de las Provincias de la Luisiana y Florida Occidental, e Ynspector de sus tropas, &c.

Vistas las antecedentes diligencias practicadas por el agrimensor particular Don Antonio Soulard sobre la posesion que ha dado a° Don Carlos Gratiot de la cantidad de seis mil setecientos veinte arpanes de tierra de superficie situados en los Establecimientos de Ylinois detras de los tierras de quarenta arpanes que principian a la Barrera llamada de Nogales a una legua y media de la lindad de Sn. Luis al S. S. O. ¼ O del fuerte, lindando a las demas partes con tierras vacantes, como lo de muestra el plano figuratibo que antecede y reconociendo estar reglado al orden de agrimensura sin causar perjuicio alguno ni que hayan sido reclamado: Usando de la facultad que el Rey nos tiene concedida otorgamus en su real nombre al susodho. Don Carlos Gratiot los referidos seis mil setecientos veinte arpanes de tierra de superficie para que como suyos propios disponga de ellos y los usufrate arreglandose a las mencionadas diligencias y observando las condiciones prevenidas por el reglamento del asunto, Damos el presente firmada de nuestra mano, sellado con el sello de nuestras armas y refrendado por el in frascrito secretario por S. M. de este Gobierno en la Nueva Orleans a dos de Abril de mil setecientos nuventa y ocho.

MANUEL GAYOSO DE LEMOS. [L. S.]

Por mando. de Su Sria.

Andes Lopez Armesto—Regdo.

Letter U.—Translation.

Upper Louisiana, District of St. Louis of Illinois.

[Here follows a copy of the Plat, for which see opposite page.]

We, the undersigned, captain of militia of his Catholic majesty, surveyor commissioned by the government for the district of St. Louis and New Madrid, that on this day, by virtue of an order from Zenon Trudeau, lieutenant colonel, captain of the regiment of Louisiana, and lieutenant governor of the western part of Illinois, we personally went on the land of Mr. Charles Gratiot, merchant, and an inhabitant of this town, in order to make the measurement and survey of a tract of land to him granted (by Mr. Francis Cruzat, late lieutenant governor of this western part of Illinois, under

date of February 14th, 1785,) of 84 arpens in front by 80 arpens in the rear, or 6720 arpens in superficy, which measurement was made in the presence of the proprietor with the perche of the city of Paris, which contains eighteen French feet in length, according to the custom of this colony, which land is situated at the end of lands of forty arpens' lots of Barriere Denoyers, and distant from this town about a league and a half, and about S. W. ¼ W. from said city, the said front bounded by lands of said Barriere Denoyers, belonging to several individuals; which land of said Charles Gratiot has been bounded every twenty arpens with stones *stucked* in the ground about a foot deep, and at least three feet high, the trees on the lines have been blazed and marked C. G. In testimony whereof we have delivered him these presents, with the annexed figurative plat of survey, where we have marked the natural and artificial boundaries. St. Louis, May 17th, 1796.

ANTONIO SOULARD.

Approved, ZENON TRUDEAU.

Recorded book A. fo. 26 and 27. No. 55.

Don Manuel Gayoso de Lemos, brigadier of the royal armies, governor general, vice patron royal of the provinces of Louisiana and Western Florida, and inspector of the troops thereof, &c.

Having examined the diligence made use of by the particular surveyor, Don Anthony Soulard, on the possession by him given to Don Charles Gratiot, of the quantity of six thousand seven hundred and twenty arpens of land in superficy, situated in the settlements of Illinois, on the rear of the lands of forty arpens, which begins the Barriere called Denoyers, distant a league and a half S. S. W. ¼ W. of the fort, bounded on the other sides by vacant lands, as appears by the preceding figurative plat, and acknowledging that it is conformable to the rules of survey; that it does not prejudice any body, and no one having laid any claim to it. Using of the faculty vested in me by the king, and in his royal name we do grant to the said Charles Gratiot the aforesaid six thousand seven hundred and twenty arpens of land in superficy. In order that he may dispose and enjoy the same as thing to him appertaining—conforming himself to the said diligence, and observing the conditions imposed by the regulations on that subject—we give him these presents, signed with our hand, and sealed with the seal of our arms, and countersigned by the undersigned secretary of his majesty for this government. New Orleans, April second, one thousand seven hundred and ninety-eight.

MANUEL GAYOSO DE LEMOS. [L. S.]

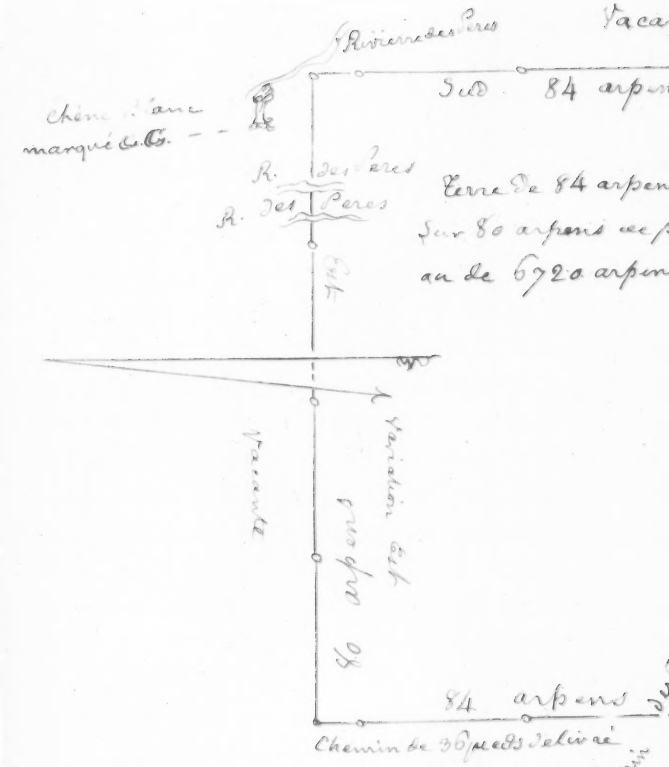
By order of his Lordship,

ANDRES LOPEZ ARMESTO—Recorded.

LETTER V.

[Plat see opposite page.]

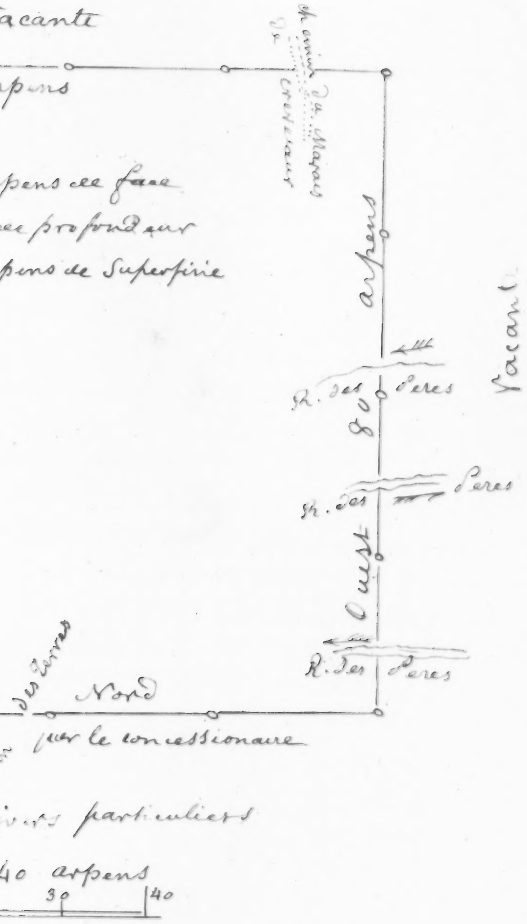
The survey of Antoine Soulard's unconfirmed claim of 10,000 arpens on Cuivre, commences at a point in the N. E. quarter of section 25, T. 51, north range 3 west; and runs thence N. 68, E. 317 chains, 08 links to a point in the N. E. quarter of section 14, township 51, N. range 2 W. thence N. 22, W. 214, 16 chains to a point in the S. E. quarter of sectio; 34, T. 52, N. R. 2 W., thence south 68, W. 317, 08 chains to a point in



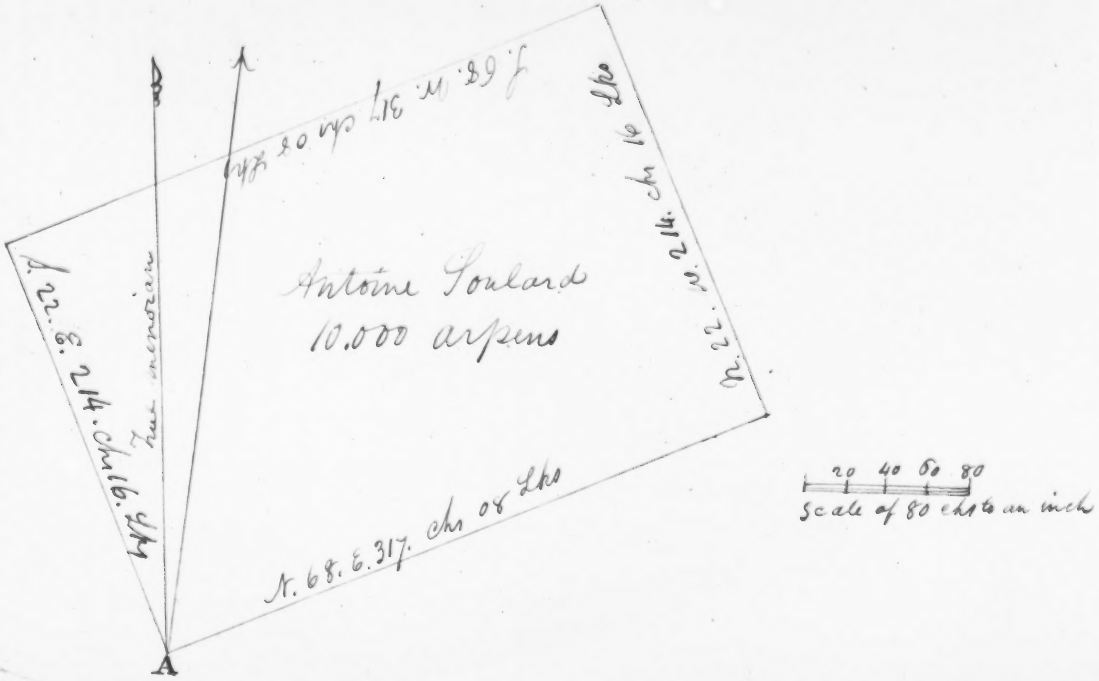
Terres de 40 arpens appartenantes à

Echelle de 40
1p 2p

Barriere Dite à


acante
pens
pens ce face
ce profondeur
pens de Superficie
arpens
Vacant
R. des Peres
80
R. des Peres
Ouest
R. des Peres
des terres
Nord
sur le concessionaire
ivers particuliers
40 arpens
30
40

Denoyers.


Antoine Soulard
10.000 arpens
A
S. 22. E. 214. chs 16 lks
Rue ancienne
N. 68. E. 317. chs 08 lks
N. 22. W. 214. chs 16 lks
S. 68. W. 317 chs 08 lks
20 40 60 80
Scale of 80 chains to an inch

the S. E. quarter of section 11, T. 51, north range, 3 W.; thence S. 22, E. 214, 16 chains to the place of beginning.

WILLIAM MILBURN.

LETTER W.

LAND OFFICE, REGISTER'S OFFICE,
St. Louis, Mo.

I, William Christy, register of the land office for the district of St. Louis, in the state of Missouri, do hereby certify that the list on the right hand side of this paper exhibit all the lands sold in this office and not relinquished, covered by Antoine Soulard's unconfirmed Spanish claim of ten thousand arpents; and that the several tracts, sold as aforesaid, contain one thousand nine hundred and forty-seven acres and thirty-five hundredths of an acre. Given under my hand this twenty-ninth day of November, Anno Domini one thousand eight hundred and twenty-four.

W. CHRISTY, *Register.*

Lands sold and not relinquished, covered by Antoine Soulard's uncon firmed Spanish claim of 10,000 arpents, viz:

	S. W.	qr. sec.	4,	T. 51, R. 2 W.	160 acres,	sold to John M'Coy, Aug. 12, 1818.
E. half,	S. E.	"	5,	do	80 "	sold to John M'Coy, Aug. 12, 1818.
Part	N. W.	"	7,	do	145 "	Meridith Cox, May 28, 1819.
	S. W.	"	7,	do	234.15	Saml. Denny, Aug 12, 1818.
	S. E.	"	7,	do	160 "	Merideth Cox, Oct. 15, 1818.
W. half	N. W.	"	8,	do	80 "	Hugh Barnett, April 21, 1818.
E. half	S. W.	"	9,	do	80 "	Nicholas Wells, Nov. 24, 1818.
	S. E.	"	9,	do	160 "	James Wells, Aug. 12, 1818.
	N. E.	"	18,	do	160 "	Quinton Moore, September 15, 1818.
	N. W.	"	17,	do	160 "	Hugh Barnett, Aug. 12, 1818.
	S. E.	"	17,	do	160 "	J. Lewis & J. Watts, Aug. 12, 1818.
	Pt. N. E.	"	12, T. 51, R. 3,			William Eligin, do
	Pt. S. W.	"	12,	do	300	James Lewis, do
	Pt. S. E.	"	12,	do		William Eligin, do
Pt. E. half	S. W.	"	13, T. 51, R. 2 W.		68 acres	George Seely, April 18, 1820.

1,947 35 acres.

MISSOURI DISTRICT, sct.

I, Isaac Barton, clerk of the court of the United States for the Missouri district, do hereby certify that the above and foregoing transcript, consisting of forty-seven pages, is a true, full, and perfect transcript of the record and proceedings, now remaining in my office, of a certain suit lately pending and determined in the said court, wherein Julie Soulard, widow, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs of Antoine Soulard, deceased, were petitioners, and the United States were defendants.

In testimony whereof, I have hereunto set my hand, and affixed the [L. S.] seal of the said court, at office in St. Louis, in the said district, this fifteenth day of April, in the year of our Lord one thousand eight hundred and twenty-six, and of the independence of the United States the fiftieth.

ISAAC BARTON, *Clerk.*

Know all men by these presents, that I, Marie P. Leduc, am held and firmly bound unto the United States in the penal sum of five hundred dollars; to the payment of which, well and truly to be made, I bind myself, my heirs, administrators, and executors firmly by these presents. Sealed with my seal, and dated this thirtieth day of December, eighteen hundred and twenty-five.

The condition of the above obligation is such, that whereas Julie Soulard, widow, James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs of Antoine Soulard, deceased, have this day prayed for, and obtained an appeal to the Supreme Court of the United States, from the decree of the Court of the United States for the Missouri District, against them in a suit wherein they are petitioners, and the United States are defendants. Now if the said petitioners shall, well and truly, prosecute the said appeal with effect, and shall pay all costs occasioned by them in the prosecution of the same, and shall, well and truly, pay all costs which may be adjudged against them in said suit, then the above obligation to be void; otherwise, to remain in full force and effect.

M. P. LEDUC. [L. S.]